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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 34.05 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 34.05.395 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 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 normally 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 or advanced and such an 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 unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
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89-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
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89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
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90-02	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 17	Feb 6
90-03	Dec 27, 1989	Jan 10, 1990	Jan 24	Feb 7	Feb 27
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90-05	Jan 24	Feb 7	Feb 21	Mar 7	Mar 27
90-06	Feb 7	Feb 21	Mar 7	Mar 21	Apr 10
90-07	Feb 21	Mar 7	Mar 21	Apr 4	Apr 24
90-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
90-09	Mar 21	Apr 4	Apr 18	May 2	May 22
90-10	Apr 4	Apr 18	May 2	May 16	Jun 5
90-11	Apr 25	May 9	May 23	Jun 6	Jun 26
90-12	May 9	May 23	Jun 6	Jun 20	Jul 10
90-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
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90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 1
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

¹All 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 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 89-18-062

EMERGENCY RULES

MARINE EMPLOYEES' COMMISSION

[Filed September 1, 1989, 3:00 p.m.]

Date of Adoption: August 25, 1989.

Purpose: Chapter 316-02 WAC is adopted to set forth certain general rules of practice and procedure applicable to all types of cases processed by the commission.

Citation of Existing Rules Affected by this Order:

Amd	WAC 316-02-001	Application and scope of chapter 316-02 WAC.
Amd	WAC 316-02-003	Policy—Construction—Waiver.
New	WAC 316-02-005	Commission policy—Labor relations.
Amd	WAC 316-02-007	Definitions.
Amd	WAC 316-02-010	Appearance and practice before commission—Who may appear.
Re-Ad	WAC 316-02-020	Appearance and practice before commission—Standards of conduct.
Re-Ad	WAC 316-02-030	Appearance and practice before commission—Appearance by former employee of commission or former member of attorney general's staff.
Re-Ad	WAC 316-02-040	Appearance and practice before commission—Former employee as witness.
Re-Ad	WAC 316-02-100	Service of process—Computation of time.
Re-Ad	WAC 316-02-103	Service of process—Additional time after service by mail.
Re-Ad	WAC 316-02-105	Service of process—Extension of time.
Re-Ad	WAC 316-02-110	Service of process—By whom served.
Re-Ad	WAC 316-02-120	Service of process—Upon whom served.
Amd	WAC 316-02-135	Service of process—Method and completion of service on parties.
Amd	WAC 316-02-150	Service of process—Filing with commission.
Re-Ad	WAC 316-02-160	Service of process—Opportunity for hearing.
Amd	WAC 316-02-170	Service of process—Notice of hearing.
Re-Ad	WAC 316-02-180	Service of process—Continuances.
Amd	WAC 316-02-200	Definition of issues—Before hearing.
Re-Ad	WAC 316-02-210	Definition of issues—Prehearing conference authorized.
Re-Ad	WAC 316-02-220	Definition of issues—Record of action taken during prehearing conference.
Re-Ad	WAC 316-02-230	Summary judgment.
Amd	WAC 316-02-300	Subpoenas—Form—Discovery.
Amd	WAC 316-02-310	Subpoenas—Issuance to parties.
Rep	WAC 316-02-320	Subpoenas—Service.
Rep	WAC 316-02-330	Subpoenas—Fees.
Re-Ad	WAC 316-02-340	Subpoenas—Proof of service.
Re-Ad	WAC 316-02-350	Subpoenas—Quashing.
Re-Ad	WAC 316-02-360	Subpoenas—Enforcement.
Re-Ad	WAC 316-02-370	Subpoenas—Geographical scope.
Re-Ad	WAC 316-02-400	Evidence—Examination of witnesses.
Re-Ad	WAC 316-02-410	Evidence—Application of rules of evidence.
Re-Ad	WAC 316-02-420	Evidence—Objections and rulings.
Amd	WAC 316-02-450	Evidence—Stipulations and admissions of record.
Re-Ad	WAC 316-02-460	Evidence—Submission of documentary evidence.
Re-Ad	WAC 316-02-470	Evidence—Excerpts from documentary evidence.
Re-Ad	WAC 316-02-490	Evidence—Refusal of witness to answer.
Amd	WAC 316-02-500	Declaratory orders authorized.
Amd	WAC 316-02-510	Declaratory orders—Petition.
New	WAC 316-02-520	Declaratory orders—Rights and disposition.
New	WAC 316-02-560	Intervention and consolidation of proceedings.
Re-Ad	WAC 316-02-600	Commission decisions in contested cases—Form and content.
Re-Ad	WAC 316-02-610	Commission decisions in contested cases—Service.

New	WAC 316-02-700	Commission structure.
Re-Ad	WAC 316-02-800	Commission records—Public access.
Amd	WAC 316-02-810	Commission records—Confidentiality.
Re-Ad	WAC 316-02-820	Commission offices.
Re-Ad	WAC 316-02-900	Petitions for rule making—Who may petition.
Re-Ad	WAC 316-02-910	Petitions for rule making—Form.
Re-Ad	WAC 316-02-920	Petitions for rule making—Commission must consider.
Amd	WAC 316-02-930	Petitions for rule making—Notice of disposition.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary) chapter 10-08 WAC as amended, effective June 15, 1989. Emergency adoption is necessary to enable immediate processing and adjudication of labor-management relations complaints.

Effective Date of Rule: Immediately.

September 1, 1989

Louis O. Stewart
Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-001 APPLICATION AND SCOPE OF CHAPTER 316-02 WAC. Chapter 316-02 WAC has been added to the Washington Administrative Code by the marine employees' commission pursuant to the authority of section 19, chapter 15, Laws of 1983 (RCW 47.64.280) and chapter ((34.04)) 34.05 RCW, to promulgate comprehensive and uniform rules for practice and procedure before the ((agency:)) commission. The provisions of chapter 1-08 WAC shall not be applicable to the proceedings before the commission. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 316-25, 316-35, 316-45, 316-55, 316-65, and 316-75, except;

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-25-070, 316-25-090, 316-35-050, 316-45-050, 316-65-050, and 316-75-110;

(b) WAC 10-08-110, which is supplanted by WAC 316-08-120 through 316-08-180;

(c) WAC 10-08-120, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(d) WAC 10-08-140, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(e) WAC 10-08-211, which is supplanted by WAC 316-25-390, 316-25-590, 316-25-630, 316-25-670, 316-35-210, 316-35-230, 316-45-350, 316-45-370,

316-65-550, 316-65-555, 316-75-270, and 316-75-290; and

((f)) WAC 10-08-230, which is supplanted by WAC 316-02-005, 316-25-150, 316-25-230, 316-25-250, 316-25-270, 316-25-310, 316-35-070, 316-35-150, 316-45-070, 316-45-090, 316-45-230, 316-65-505, 316-65-507, 316-65-515, and 316-75-210.

((2)) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.

((2)) (3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

((3)) (4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.

((4)) (5) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.

((5)) (6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

((6)) (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

((8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits and conditions of employment required by chapter 47.64 RCW.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

Reviser's note: RCW 34.05.395 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 Resolution No. 84-01, filed 3/20/84)

WAC 316-02-003 POLICY—CONSTRUCTION—WAIVER. The policy of the state being primarily to promote peace in labor relations in the Washington state ferry system, these rules and all other rules adopted by the agency shall be liberally construed to effectuate the purposes and provisions of the statutes administered by the marine employees' commission and nothing in any rule shall be construed to prevent the commission and its authorized agents from using their best efforts to adjust any labor dispute. The commission and its authorized agents may waive any requirement of the rules not specified by statute unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 316-02-005 COMMISSION POLICY—LABOR RELATIONS. It is the policy of the commission to promote bilateral collective bargaining negotiations between and among the Washington state ferry system management, ferry employees and their exclusive representatives in accordance with chapter 47.64 RCW. These parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into dispute between them. To the extent that the commission and its representatives can assist in fair and harmonious informal settlements of differences, the need for more elaborate and costly adjudicative procedures under all chapters of title 316 WAC will be diminished.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-007 DEFINITIONS. As used in Title 316 WAC, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Adjudicative proceeding" means a proceeding before the commission or its designee in which an opportunity for hearing before the commission is required in the resolution of petitions for investigation of questions concerning representation of ferry system employees, resolution of petitions for clarification of an existing ferry system employee bargaining unit, complaints charging unfair labor practices in the Washington state ferry system, impasses occurring in the Washington state ferry system of collective bargaining, grievance disputes arising out of interpretation or application of a collective bargaining agreement in the Washington state ferry system, determination of union security disputes arising between Washington state ferry system employees and employee organization certified or recognized as their bargaining representatives. "Adjudicative proceeding" shall not include the process or decision making in salary surveys or other fact-finding surveys by the commission.

(2) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in chapter 47.64 RCW or in this chapter.

((2)) (3) "Arbitrator" means either a single arbitrator or a panel of three arbitrators.

((3)) (4) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.

((4)) (5) "Commission" means the marine employees' commission created by ((chapter 15, Laws of 1983)) RCW 47.64.280, or a majority thereof.

((5)) (6) "Department of transportation" or "department" means the department as defined in RCW 47.01.021.

((6)) (7) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

~~((7))~~ (8) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

~~((8))~~ (9) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.

(10) "Filing of a petition concerning representation of employees or for clarification of a bargaining unit, a complaint charging an unfair labor practice, an impasse resolution, a request for fact-finding, a grievance and/or request for appointment of an arbitrator, assertion of a right of nonassociation, or other similar papers in matters governed by chapter 47.64 RCW, means delivery of such document to the marine employees' commission at its Olympia office."

~~((9))~~ (11) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (10) of this section, shall not be considered a lockout.

~~((10))~~ (12) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her wilful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike.

~~((11))~~ (13) "Transportation commission" means the commission as defined in RCW 47.01.021.

Reviser's note: RCW 34.05.395 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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-010 APPEARANCE AND PRACTICE BEFORE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the marine employees' commission or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;

(3) A bona fide officer, employee or other authorized representative of: (a) The department of transportation, or (b) any labor or employee organization recognized, or seeking recognition, in accordance with chapter 316-25 WAC;

(4) Other persons, including but not limited to bona fide representatives of ferry users, may make presentations to the marine employees' commission following written request approved by a majority of the commission: PROVIDED, That only persons qualified under subsections (1), (2), and (3) of this section may take part in representation cases, unit clarifications, unfair labor practice cases, impasse resolutions, grievance handling, union security disputes, or any other technical matters involving labor relations.

Nothing in this chapter may be construed as prohibiting a ferry employee from representing himself or herself before the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-020 APPEARANCE AND PRACTICE BEFORE COMMISSION—STANDARDS OF CONDUCT. Misconduct at any hearing conducted by the commission or its designee shall be ground for summary exclusion from the hearing. Misconduct of an aggravated character, when engaged in by an attorney or other person acting in a representative capacity pursuant to WAC 316-02-010, shall be ground for suspension or disbarment by the commission after due notice and hearing. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-020, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-030 APPEARANCE AND PRACTICE BEFORE COMMISSION—APPEARANCE BY FORMER EMPLOYEE OF COMMISSION OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No former member of the marine employees' commission, former employee of the commission or former member of the attorney general's staff shall, at any time after severing his employment with the commission or with the attorney general, appear in a representative capacity on behalf of any party in connection with any case or proceeding which was pending before the commission during the time of his employment with the commission. [Statutory Authority: RCW 47.64.280.]

84-07-037 (Resolution No. 84-01), § 316-02-030, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-040 APPEARANCE AND PRACTICE BEFORE COMMISSION—FORMER EMPLOYEE AS WITNESS. Except upon the express written consent of the marine employees' commission, no former member of the commission, or former member of the attorney general's staff shall, at any time after severing his employment with the commission or with the attorney general, appear as a witness on behalf of any party in connection with any case or proceeding which was pending before the commission during the time of his employment with the commission. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-040, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 85-2, filed 10/16/85)

WAC 316-02-100 SERVICE OF PROCESS—COMPUTATION OF TIME. Unless otherwise provided in chapter 47.64 RCW, in computing any period of time prescribed by notice, the prescribed period of time shall commence on the date of receipt of such notice. In computing any other period of time allowed by chapter 47.64 RCW or other applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Statutory Authority: RCW 47.64.260. 85-21-059 (Order 85-2), § 316-02-100, filed 10/16/85. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-100, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 85-2, filed 10/16/85)

WAC 316-02-103 SERVICE OF PROCESS—ADDITIONAL TIME AFTER SERVICE BY MAIL. Unless a party is required to do some act upon a date specified in a notice or other paper served upon him, whenever a party has the right or is required to do some act within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served

on him by mail, 3 days shall be added to the prescribed period. [Statutory Authority: RCW 47.64.260. 85-21-059 (Order 85-2), § 316-02-103, filed 10/16/85. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-103, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-105 SERVICE OF PROCESS—EXTENSION OF TIME. The commission or its authorized agent may, by agreement of the parties or for good cause shown, extend any time limit prescribed or allowed by the rules of the commission. Any motion to extend any time limit shall, except for good cause shown, be made before the expiration of such time limit. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-105, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-110 SERVICE OF PROCESS—BY WHOM SERVED. The commission shall cause to be served all orders, notices and other formal papers issued by it, together with any other papers which it is required by law or rule to serve. Every other paper shall be served by the party filing it. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-110, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-120 SERVICE OF PROCESS—UPON WHOM SERVED. All formal papers served by the commission or by any party shall be served upon all counsel then of record and upon all parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. Except as specifically provided elsewhere in these rules, copies of all correspondence directed to the commission or by the commission in connection with any matter pending before the commission shall be furnished to all counsel of record and to all parties not represented by counsel. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-120, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 85-2, filed 10/16/85)

WAC 316-02-135 SERVICE OF PROCESS—METHOD AND COMPLETION OF SERVICE ON PARTIES. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper ((required)) served under this chapter shall be in writing. Service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known addresses of the parties. Refusal of restricted certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-150 SERVICE OF PROCESS—FILING WITH COMMISSION. Papers ((required)) intended to be filed with the commission shall be deemed filed upon actual receipt by the commission during its regular office hours at ((the place specified for such filing)) its Olympia office: PROVIDED, HOWEVER, That such service shall be deemed to be incomplete if the party making the filing should subsequently fail, when requested to do so by the commission, to provide proof of service upon other parties required to be served.

Filing a copy of the paper(s), together with one of the following shall constitute proof of service:

- (a) An acknowledgement of service; or
- (b) A certificate that the person signing the certificate did on the date of the certificate serve the paper(s) upon all parties of record in the proceeding by:
 - (i) Mailing a copy thereof, by restricted certified mail, return receipt requested, to each party to the proceeding or to his or her attorney or authorized agent; or
 - (ii) delivery of a copy thereof in person.

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

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-160 SERVICE OF PROCESS—OPPORTUNITY FOR HEARING. All hearings in contested cases shall be public. Any party to a contested case shall have the right to appear at such hearing in person, by counsel, or by other representative, and to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-160, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-170 SERVICE OF PROCESS—NOTICE OF HEARING. In any contested case, all

parties shall be served with a notice ((within the statutory time as required by the particular statute governing the proceeding involved. In the absence of a statutory requirement, notice shall be given twenty)) not less than seven days before the date set for hearing. ((All notices of hearing shall state the time and place of the hearing, and shall clearly identify the proceeding or the issues involved.)) The notice shall include:

(a) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(b) The official file or other reference number and the name of the proceeding;

(c) The name, official title, mailing address, and telephone number of the presiding officer;

(d) A statement of the time, place and nature of the proceeding;

(e) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(f) A reference to the particular sections of the statutes and rules involved;

(g) A short and plain statement of the matters asserted by the commission;

(h) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-180 SERVICE OF PROCESS—CONTINUANCES. Immediately upon receipt of notice of a hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring a continuance shall notify all other parties prior to filing a request for continuance with the commission. All continuance requests shall be filed in writing and shall specify, in detail, the reasons why the continuance is necessary, the position of all other parties concerning the requested continuance and suggested alternative dates for rescheduling. In passing upon a request for continuance, the commission shall consider whether the request was promptly and timely made. For good cause shown, the commission or its designated hearing officer or examiner may grant a continuance and may at any time order a continuance on its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may, in his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-180, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-200 DEFINITION OF ISSUES—BEFORE HEARING. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the commission, hearing officer or examiner may proceed promptly to conduct the hearing on relevant and material matter only.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-210 DEFINITION OF ISSUES—PREHEARING CONFERENCE AUTHORIZED. In any proceeding, the commission or its designated hearing officer or examiner, upon its or his own motion or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Statutory Authority: RCW 47.64-.280. 84-07-037 (Resolution No. 84-01), § 316-02-210, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-220 DEFINITION OF ISSUES—RECORD OF ACTION TAKEN DURING PREHEARING CONFERENCE. The commission or its designated hearing officer or examiner shall make an order or statement which recites the action taken at any prehearing conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-220, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-230 SUMMARY JUDGMENT. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a

matter of law. Motions for summary judgment made in advance of a hearing shall be filed with the commission and served on all other parties to the proceeding. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-230, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-300 SUBPOENAS—FORM—DISCOVERY. (1) Pursuant to RCW 34.05.446 and RCW 47.64.280, the commission or the attorney of record in whose behalf the witness is required to appear may subpoena any ferry employee or employees, or their representatives, or any member or representative of the department, and any witness(es).

(2) The commission on its own motion or at the request of a party may require attendance of witnesses and the production of all pertinent records in any adjudicative proceeding.

(3) Except as otherwise provided by this chapter, the presiding officer may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules.

(4) Every subpoena shall state the name of the commission as: State of Washington, marine employees' commission; shall state the title of the proceeding ((if any)); shall show on its face the name and address of the party at whose request the subpoena was issued; and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or ((things)) other tangible evidence under his control at a specified time and place.

(5) Subpoenas shall not be available for purposes of discovery.

Reviser's note: RCW 34.05.395 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 Resolution No. 84-01, filed 3/20/84)

WAC 316-02-310 SUBPOENAS—ISSUANCE TO PARTIES. (1) Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to a contested case: PROVIDED, HOWEVER, That no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the commission staff in any proceeding before the commission. The commission or its hearing officer or examiner shall issue subpoenas upon the application of counsel or other representative authorized to practice before the commission, and may condition the issuance of subpoenas to parties not so represented upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(2) Attorneys may act under the authority conferred by RCW 34.04.105 (2)(a).

(3) Witnesses in an adjudicatory proceeding shall be paid the same fees and allowances in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, except that the commission shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010 as to courts.

(4) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-340 **SUBPOENAS—PROOF OF SERVICE.** The person serving the subpoena may make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the agency or the officer before whom the witness is required to testify or produce evidence. If service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-340, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Order 88-1, filed 4/29/88)

WAC 316-02-350 **SUBPOENAS—QUASHING.** Any motion to quash a subpoena 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. [Statutory Authority: RCW 47.64.260 and chapter 47.64 RCW. 88-10-019 (Order 88-1), § 316-02-350, filed 4/29/88. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-350, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-360 **SUBPOENAS—ENFORCEMENT.** Upon application and for good cause shown, and upon proof of service of the subpoena involved if such proof was not previously provided pursuant to WAC 316-02-340, the commission will seek judicial

enforcement of subpoenas which have not been quashed or may authorize a party to seek enforcement. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-360, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-370 **SUBPOENAS—GEOGRAPHICAL SCOPE.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-370, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-400 **EVIDENCE—EXAMINATION OF WITNESSES.** Witnesses in any hearing in a contested case shall be examined orally, under oath or affirmation, and shall be subject to cross-examination. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-400, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-410 **EVIDENCE—APPLICATION OF RULES OF EVIDENCE.** Subject to the other provisions of these rules, the officer conducting the hearing shall admit all competent and relevant evidence of probative value. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the state of Washington. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-410, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-420 **EVIDENCE—OBJECTIONS AND RULINGS.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. No

such objection shall be deemed waived by further participation in the hearing. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-420, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-450 EVIDENCE—STIPULATIONS AND ADMISSIONS OF RECORD. The evidence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, or oral argument, or, is made in a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record may, at any time prior to final decision, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or examiner (~~of the agency~~) that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-460 EVIDENCE—SUBMISSION OF DOCUMENTARY EVIDENCE. Documentary evidence shall be submitted in duplicate. It shall be the responsibility of the party submitting documentary evidence to provide a copy thereof to each of the other parties to the proceeding not already having a copy. Upon failure of a party to comply with this rule within five days after the close of the hearing, the commission shall, upon request, make all necessary copies at a reasonable monetary charge to the party offering the document. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-460, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-470 EVIDENCE—EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing officer or examiner and to the other parties. In the absence of a request for and a showing of cause for the admission of the entire document in evidence, only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-470, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-490 EVIDENCE—REFUSAL OF WITNESS TO ANSWER. The refusal of a witness at any hearing in a contested case to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer or examiner, be ground for striking all testimony previously given by such witness on related matter. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-490, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-500 DECLARATORY ((~~RULINGS~~)) ORDERS AUTHORIZED. As prescribed by ((~~RCW 34.04.080~~)) RCW 34.05.240 any interested person may petition the commission or designated examiner for a declaratory ((~~ruling~~)) order with respect to the applicability to specified circumstances only of a rule, order, or statute enforceable by the commission or designated examiner. The petition shall set forth facts and reasons on which the petitioner relies to show:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and
- (e) That the petition complies with WAC 316-02-510. ((~~The commission shall consider the petition and within a reasonable time the commission shall:~~)
 - (1) Issue a nonbinding declaratory ruling, or

~~(2) Notify the person that no declaratory ruling is to be issued; or~~

~~(3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, give reasonable notification to the person of the time and place for such hearing or submission of the issued involved, and, within a reasonable time, the commission shall:~~

- ~~(a) Issue a binding declaratory ruling; or
(b) Issue a nonbinding declaratory ruling; or
(c) Notify the person that no declaratory ruling is to be issued.))~~

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-510 **DECLARATORY ((~~RULINGS~~)) ORDERS—PETITION.** Any person petitioning the commission or designated examiner for a declaratory ((~~ruling~~)) order pursuant to RCW ((~~34.04.080~~)) 34.05.240 and WAC 316-02-500 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the marine employees' commission." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ((~~ruling~~)) order." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state the name of the other party to any collective bargaining relationship from which the issue or issues to be ruled upon arises. The third paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and three legible copies plus one copy for service on each party the petitioner seeks to have bound by any declaratory ((~~ruling~~)) order shall be filed with the commission. ((~~Petitions shall be on white paper, 8 1/2" x 13" in size.~~))

NEW SECTION

WAC 316-02-520 **DECLARATORY ORDERS—RIGHTS AND DISPOSITION.** (1) The petitioner for a declaratory order shall enjoy the same rights, privileges and expectations as in any other proceeding before the commission, except as specifically limited by WAC 316-01-500 and -510.

(2) Within fifteen days after receipt of a petition for a declaratory order, the commission or designated examiner shall give notice of the petition to all persons to whom notice is required by law or rule, and may give notice to any other person deemed desirable.

(3) Within thirty days after receipt of a petition for a declaratory order the commission or designated examiner, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which a declaratory order will be entered; or

(d) Decline to enter a declaratory order, stating the reasons for that action.

(4) The time limits of subsection (3)(b) and (c) of this section may be extended by the commission or designated examiner for good cause.

(5) The commission or designated examiner may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(6) A declaratory order has the same status as any other order entered in a commission or examiner adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for the conclusions.

NEW SECTION

WAC 316-02-560 **INTERVENTION AND CONSOLIDATION OF PROCEEDINGS.** (1) Motion for intervention: Any person, not a party, who desires to appear and participate in any proceeding before the commission except resolution of impasse in reaching collective bargaining agreement, may make a written motion for intervention prior to the hearing or make an oral motion for intervention at the outset of the hearing. No such motion shall be filed or made after the hearing of evidence has commenced, except for good cause shown. The motion for intervention must state the name and address of the moving party; the name, address and telephone number of its principal representative, if any; the party's interest in the proceedings; and the party's position in regard to the labor dispute.

(2) Disposition of motion for intervention: Motions for intervention shall be considered first at all hearings, or may be set for prior hearing. An opportunity shall be afforded the original parties to be heard thereon. If it appears that the motion discloses an interest in the labor dispute or that participation by the moving party is in the public interest, the commission shall grant the motion. Thereafter, the moving party shall be a party to the proceedings with the same right to produce and cross-examine witnesses as the other parties. If it appears during the course of proceedings that an intervenor has no substantial interest therein, the commission may dismiss such intervenor.

(3) Consolidation: On its own motion or at the motion of any party, the commission may consolidate proceedings on two or more notices where the facts or principles of law are related.

(4) This general rule on intervention and consolidation of proceedings may be superseded by specific requirements in certain chapters.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-600 COMMISSION DECISIONS IN CONTESTED CASES—FORM AND CONTENT. Every decision and final order shall:

- (1) Be correctly captioned as to name of commission and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-600, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-610 COMMISSION DECISIONS IN CONTESTED CASES—SERVICE. Every final order issued by the commission shall be served on each party or upon the person or organization designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-610, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 316-02-700 COMMISSION STRUCTURE. (1) The marine employees' commission, its staff and/or any designated representative maintain an impartial role in all proceedings involving the Washington state ferry system, its employees and their representatives, ferry users, and the general public.

(2) The commission consists of three members, appointed by the governor with the advice and consent of the senate: one member appointed from labor, one member from industry and one public member who has significant knowledge of maritime affairs and who is chairman of the commission. The commission reserves unto itself all policy making functions. The members serve on a part-time basis. The commission may preside over adjudicative proceedings or may designate one of its

members to preside. In the event that a single commissioner or other person acts as presiding officer, the commission is the appellate tribunal. Orders of the commission are final and binding upon the parties in accordance with RCW 47.64.280.

(3) The administrative assistant appointed by the commission is the agency manager with authority to act in administrative and personnel matters. Authority is delegated to the administrative assistant to investigate complaints, conduct such hearings as permitted by statute and rule, conduct salary surveys, and generally act as the representative of and for the part-time commission.

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

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-800 COMMISSION RECORDS—PUBLIC ACCESS. The commission will maintain for public inspection: (1) An index to all proceedings filed with and processed by the commission; (2) a docket for each proceeding filed with and processed by the commission showing the actions taken on and the final resolution of each such proceeding; (3) a schedule of hearing dates assigned in particular cases; and (4) the files for all proceedings, including all documents filed with the commission in the particular case, except materials held in confidence as provided in WAC 316-02-810. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-800, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-810 COMMISSION RECORDS—CONFIDENTIALITY. The commission, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process and other labor-management relations processes, shall not permit the disclosure to any person of (1) evidence filed as a showing of interest in support of a representation petition or motion for intervention, or (2) notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute.

READOPTED SECTION (Readopting Order 88-1, filed 4/29/84)

WAC 316-02-820 COMMISSION OFFICES. The commission maintains its office at Main Floor, S.W. Quadrant, Evergreen Plaza Building, Mailstop FJ-11, Olympia, Washington 98504. [Statutory Authority: RCW 47.64.260 and chapter 47.64 RCW. 88-10-019 (Order 88-1), § 316-02-820, filed 4/29/88. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-820, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-900 PETITIONS FOR RULE MAKING—WHO MAY PETITION. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-900, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-910 PETITIONS FOR RULE MAKING—FORM. Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the marine employees' commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and three legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, 8 1/2" x 13" in size. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-910, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-920 PETITIONS FOR RULE MAKING—COMMISSION MUST CONSIDER. All petitions shall be considered by the commission and the commission may, at its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-02-920, filed 3/20/84.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-930 PETITIONS FOR RULE MAKING—NOTICE OF DISPOSITION. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. If the commission denies the petition, the denial shall be served upon the petitioner.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 316-02-320 SUBPOENAS—SERVICE
WAC 316-02-330 SUBPOENAS—FEES

WSR 89-19-001

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-98—Filed September 7, 1989, 3:13 p.m.]

Date of Adoption: September 7, 1989.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02100C; and amending WAC 220-36-021.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are sufficient numbers of harvestable chinook salmon available in Grays Harbor to authorize an additional fishing day. If additional fishing is not scheduled the fish will not be harvested.

Effective Date of Rule: Immediately.

September 7, 1989
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-36-02100D GRAYS HARBOR GILL NET SEASON Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-031, effective immediately until further notice, it is unlawful to take fish for, or possess salmon and sturgeon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Areas except as provided for in this section:

- (1) 6:00 a.m. to 6:00 p.m. September 8 in SMCRA 2A, 2B, 2C and 2D;
6:00 a.m. to 6:00 p.m. September 11 in SMCRA 2A, 2B, 2C and 2D;
6:00 a.m. to 6:00 p.m. September 18 in SMCRA 2C;
6:00 a.m. to 6:00 p.m. September 25 in SMCRA 2C;
6:00 p.m. October 27 to 6:00 p.m. October 28 in SMCRA 2B;
6:00 p.m. October 30 to 6:00 p.m. October 31 in SMCRA 2B;
- (2) Gill net gear shall be used as provided in WAC 220-36-015 except, prior to October 1, there is no maximum mesh size.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100C GRAYS HARBOR GILL-NET SEASON. (89-60)

WSR 89-19-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-99—Filed September 7, 1989, 3:15 p.m.]

Date of Adoption: September 7, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000P.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of salmon has been taken and this regulation is necessary to prevent overharvest. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: 11:59 p.m., September 7, 1989.

September 7, 1989
Edward P. Manary
for Joseph R. Blum
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 7, 1989:

WAC 220-56-19000P SALTWATER SEASONS AND BAG LIMITS. (89-99)

WSR 89-19-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed September 7, 1989, 3:58 p.m.]

Continuance of WSR 89-16-105.

Title of Rule: Chapter 275-56 WAC, Community mental health programs.

Purpose: To amend rules relating to community mental health.

Statutory Authority for Adoption: RCW 71.24.035.

Statute Being Implemented: RCW 74.24.035 [71.24.035].

Summary: These rule changes will have the following effect: New definitions; new sections on the development of regional support networks; revisions to provider licensure; and new sections on resource management services, emergency response system, community support services and residential services.

Reasons Supporting Proposal: This rule is necessary to establish rules and regulations for county and regional administration of community mental health programs, licensing service providers, information, accountability, contracts and services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Hanig, Mental Health Division, 586-6766.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on September 19, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 19, 1989.

Date of Intended Adoption: September 22, 1989.
 September 5, 1989
 Leslie F. James, Director
 Administrative Services

WSR 89-19-004
PERMANENT RULES
BOARD OF ACCOUNTANCY

[Order ACB-192—Filed September 7, 1989, 4:45 p.m.]

Be it resolved by the Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to board meetings, officers, fees, WAC 4-25-040.

This action is taken pursuant to Notice No. WSR 89-10-012 filed with the code reviser on [April 21, 1989]. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.065 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 25, 1989.

By Carey L. Rader
 Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB-165, filed 1/17/89)

WAC 4-25-040 BOARD MEETINGS, OFFICERS, FEES. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) Fees. Fees charged by the board shall be as follows:

- (a) CPA examination applications:
 - (i) One or two parts \$ 75
 - (ii) Three parts \$ 100
 - (iii) Five parts \$ 125
- (b) Transfer of grade credits from other jurisdictions, pursuant to RCW 18.04.105(3) \$ 40
- (c) Administration of examination for out-of-state applicants, per part \$ 10
- (d) Application for certificate by reciprocity from other jurisdictions \$ 40
- (e) Biennial license to practice public accounting, includes certificate renewal fee \$ 80
- (f) Biennial certificate renewal \$ 10
- (g) Biennial firm license:
 - (i) Sole proprietorships (with one or more employees) \$ 50
 - (ii) Partnerships \$ 100
 - (iii) P.S. corporations \$ 100
- (h) Amendments to firm registration, each filing \$ 10
- (i) Temporary practice license, per individual who is to practice within this state \$ 10
- (j) Copies of records, per page \$ 0.10
- (k) Applications for reinstatement \$ 25
- (l) Replacement CPA certificates \$ 25

(m) Failure to file or complete an application to renew an individual certificate, individual license, or firm license by the due date of the application will result in a delinquency fee of twenty-five dollars per month (or any part thereof) from the due date of the application, not to exceed two hundred dollars total delinquency fee.

Note: The board may waive delinquency fees for good cause.

(2) Any applicant for a certificate or license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

WSR 89-19-005
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—September 6, 1989]

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, September 13, 1989, at 12:30 p.m.

The board of directors of the Washington State Convention and Trade Center will also meet on Wednesday, September 13, 1989, at 3:00 p.m.

Due to the fact that two years ago the American Society for Surgery of the Hand booked their national convention of 1,800 delegates and will utilize all WSCTC meeting rooms, both of the foregoing meetings will be held at the Plymouth Congregational Church, Room 320, 6th and University Street, Seattle.

If you have any questions regarding these meetings, please call 447-5000.

WSR 89-19-006
PERMANENT RULES
SECRETARY OF STATE
(Productivity Board)
 [Filed September 7, 1989, 4:55 p.m.]

Date of Adoption: September 7, 1989.

Purpose: To amend portions of chapter 383-07 WAC, which provide operating rules and guidelines governing the teamwork incentive program (TIP).

Citation of Existing Rules Affected by this Order: Repealing WAC 383-07-110; and amending WAC 383-07-050, 383-07-060, 383-07-080, 383-07-090, 383-07-100, 383-07-120 and 383-07-130.

Statutory Authority for Adoption: Chapter 41.60 RCW.

Pursuant to notice filed as WSR 89-14-119 on July 5, 1989.

Effective Date of Rule: Thirty days after filing.

September 7, 1989

Carolyn W. Smith

Teamwork Program Administrator

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-050 RESPONSIBILITIES OF THE TIP LIAISON. The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall:

(1) Coordinate the TIP program within the agency as a member of the agency's TIP steering committee or as an individual liaison between the agency and the board.

(2) Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by RCW 41.60.100, WAC 383-07-070 and 383-07-080.

(3) Monitor on-going TIP activities within the agency, reviewing all quarterly reports for completeness and accuracy and transmit reports to the program administrator in a timely manner.

(4) Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

(5) Promote the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program.

(6) Ensure that award authorizations are processed, and that payments are made to individuals (~~and the board~~) in a timely manner.

(7) Identify and encourage use of internal resources, such as training staff and management analysts, to assist units participating in TIP.

(8) Identify and encourage use of other resources inside and outside state government, such as the state energy office, the career executive program, and other knowledgeable experts.

(9) Coordinate with agency management and the board recognition of groups completing the year-long project.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-060 EMPLOYEE RESPONSIBILITIES. Employees within a unit form a team under these guidelines. As team members, individuals should:

(1) Understand the mission of the unit and be aware of performance goals and fiscal targets identified in the TIP data base.

(2) Identify (~~(problem)~~) areas which the team should address as a means to improve performance outcomes.

(3) Share ideas with other team members and build upon ideas shared by others.

(4) Propose (~~(solutions to unit problems)~~) efficiencies and develop action plans.

(5) Submit action plans to management as needed to implement proposals.

(6) Implement changes and evaluate their effectiveness.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-080 APPLICATION FORMAT. For applications to be considered by the board, units interested in participating in the teamwork incentive program must meet these eligibility criteria:

(1) An identification of the data base as specified in RCW 41.60.110(1), against which savings shall be evaluated at the end of the project year, including the following:

- (a) A general description of the unit and its mission;
- (b) Performance measures which quantify the work-flow and outcome measures of the unit;
- (c) Fiscal information pertinent to outcomes;

(d) A list of participating personnel, with special notation of those working less than full time; and

(e) A statement of how the unit expects to achieve gains.

(2) Signatures of agency management authorizing the unit's participation in the TIP project, including:

(a) The head of the agency in which the unit is located (~~(, as required by RCW 41.60.100)~~) or his or her designee;

(b) The supervisor of the participating unit;

(c) The appropriate fiscal/budget officer of the agency (~~(and/or the agency accounts officer of the agency)~~); and

(d) Other signatures specified by the agency, such as the personnel manager and division directors.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-090 APPROVAL OR DENIAL OF THE APPLICATION. Upon receipt of the official application, the program administrator shall:

(1) Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

(2) Schedule the application (~~(review)~~) for board action at the next appropriate meeting.

(3) Prepare an executive summary about the unit, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

(4) Make a recommendation to board members concerning the application, based on whether or not the application is reasonable and practical and includes program indicators which lend themselves to a judgment of success or failure.

(5) The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure.

(6) Communicate with the TIP liaison and interested others about dates for the anticipated board action (~~(approving)~~) on the application, the quarterly reports and the anticipated final review and approval of any unit award.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-100 REPORTS TO THE PRODUCTIVITY BOARD. Each unit accepted to participate in the program shall submit regular progress reports to the board through the agency's TIP liaison.

(1) Quarterly reports shall be submitted to the board in accordance with a schedule arranged by the program administrator and shall contain, as a minimum, the following information:

(a) An update on unit accomplishments relative to TIP performance measures;

(b) An update on personnel changes; and

(c) An indication of quality of outcomes.

(2) Final reports shall be submitted to the board within ~~((two))~~ three months following the TIP completion date and shall include, as a minimum, the following information:

(a) Annual accomplishments relative to TIP performance measures as compared to TIP data base measures, expressed in both quantitative and qualitative terms, including the total net savings, the unit award and the amount of a full award share;

(b) A list of personnel eligible to receive full award shares;

(c) A list of personnel eligible to receive partial award shares, based on the fraction of the year each has worked for the unit;

(d) A statement of quality of services written by agency management; and

(e) Specific information requested by the program administrator on behalf of the board.

(3) In their final report, the unit shall submit documentation which quantifies performance measures, fiscal measures, and outcome measures for the TIP project year. Acceptable documentation may include, but is not limited to:

(a) Fiscal documents, such as budgets and accounting reports;

(b) Agency management reports quantifying outcomes;

(c) Reports from other agencies, such as the state energy office or federal agencies;

(d) Reports made to other agencies or governmental units;

(e) Personnel reports quantifying overtime hours;

(f) Other reports relevant to TIP performance outcomes and operational costs.

(4) The program administrator may extend due dates for reports.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-120 DISTRIBUTION OF AWARDS. Awards shall be distributed to employees and supervisors of the unit as follows:

(1) If the board determines in its judgment that a unit qualifies for an award, the board shall authorize payment of the award to the employees and supervisors of the unit a percentage of net savings as specified in RCW 41.60.120.

(2) The unit award shall be divided and distributed in equal shares to employees and supervisors of the unit, except those who have worked within the unit for less than twelve months of the TIP-year or less than full time during the twelve months of the project shall receive a pro rata share based upon the fraction of the TIP-year worked.

(3) Units not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

AMENDATORY SECTION (Amending Order 88-1, filed 7/14/88)

WAC 383-07-130 AWARD AUTHORIZATION AND PAYMENT PROCEDURES. Following approval of a teamwork incentive award by the productivity board, the program administrator shall submit ~~((an award invoice))~~ a notice to the agency authorizing payment of awards ~~((and transfer of fees))~~ in accordance with RCW 41.60.120.

(1) The award authorization ~~((invoice))~~ notice shall include:

- (a) The total amount of savings;
- (b) The unit award based upon the percentage specified by RCW 41.60.120; and
- (c) A list of employees and the amount of each individual's award share~~((; and~~
- ~~((d) The amount to be transferred to the department of personnel service fund in accordance with RCW 41.60.120)).~~

(2) The award authorization ~~((invoice))~~ notice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the unit supervisor~~((; the agency accounts officer for the department of personnel, and the agency accounts officer for the board))~~.

(3) The award authorization ~~((invoice))~~ notice shall be sent ~~((within five working days))~~ as soon as possible following board action.

(4) The agency shall arrange for payment of awards in a timely manner.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 383-07-110 CRITERIA FOR EVALUATION OF SAVINGS.

WSR 89-19-007
PERMANENT RULES
DEPARTMENT OF LICENSING
(Board of Physical Therapy)

[Order PM 859—Filed September 8, 1989, 9:16 a.m.]

Be it resolved by the Board of Physical Therapy, acting at the LaConner Country Inn, Conference Center, 107 South 2nd Street, LaConner, WA 98257, that it does adopt the annexed rules relating to special requirements for physical therapist assistant utilization, WAC 308-42-145.

This action is taken pursuant to Notice No. WSR 89-09-066 filed with the code reviser on April 19, 1989. 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 18.74.023(3) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 30, 1989.
By Patty VanWagner
Chair

NEW SECTION

WAC 308-42-121 CHANGE OF ADDRESS OR NAME—NOTIFICATION OF DEPARTMENT. Whenever any person after applying for or receiving a license to practice as a physical therapist shall move from the address named in such application or in the license issued to him or her or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his or her old and new addresses or of such former and new names.

AMENDATORY SECTION (Amending Order PL 477, filed 8/8/84)

WAC 308-42-145 SPECIAL REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT UTILIZATION. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

- (1) ~~((When supervision is indirect,))~~ Patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.
- (2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out.

WSR 89-19-008
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—September 7, 1989]

The Washington State Human Rights Commission will hold a special commission meeting, executive session only, to discuss legal matters on September 11, 1989. The meeting will be held by telephone conference call originating at the Office of the Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia, beginning at 12:00 p.m.

WSR 89-19-009
RULES COORDINATOR
PARKS AND RECREATION COMMISSION
 [Filed September 8, 1989, 9:26 a.m.]

In accordance with RCW 34.05.310, the Washington State Parks and Recreation Commission's rules coordinator is Nina Carter, Executive Assistant, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Mailstop KY-11, Olympia, WA 98504-5711, phone (206) 753-6179, 234-6179 scan.

Jan Tveten
 Director

WSR 89-19-009A
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed September 8, 1989, 4:14 p.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning prevailing wages as described in WSR 89-12-051, chapter 296-127 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 6, 1989.

The authority under which these rules are proposed is RCW 43.22.270, *Green River Community College vs. Higher Education Personnel Board*, 95 Wn.2d 108, 622 P.2d 826 (1980).

The specific statute these rules are intended to implement is chapters 39.12 and 39.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 1, 1989.

This notice is connected to and continues the matter in Notice Nos. WSR 89-12-051 and 89-17-083 filed with the code reviser's office on June 5, 1989, and August 18, 1989.

Dated: September 8, 1989
 By: Joseph A. Dear
 Director

WSR 89-19-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-100—Filed September 8, 1989, 4:50 p.m.]

Date of Adoption: September 8, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The defined area in the permanent WAC's is not sufficient to protect the upstream migrating salmon milling below the dam. Local patrol officers have requested the area be expanded.

Effective Date of Rule: Immediately.

September 8, 1989
 Joseph R. Blum
 Director

NEW SECTION

WAC 220-57-16000A COLUMBIA RIVER. *Notwithstanding the provisions of WAC 220-57-160, effective immediately until further notice, the following are closed waters:*

(1) *Rocky Reach Island and Wanapum Dams – waters between the base of the downstream side of these dams to points 400 feet downstream of the dams.*

(2) *Priest Rapids Dam – waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 400 feet below the fishways on each side of the river.*

WSR 89-19-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 89-101—Filed September 8, 1989, 4:55 p.m.]

Date of Adoption: September 8, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-513.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Area 7B provide opportunity in harvest non-Indian allocation of Nooksack-Samish origin coho. Restrictions in Area 7B are necessary to protect chinook. Openings in Area 7E provide opportunity to harvest non-Indian allocation of Glenwood Springs origin fall chinook. Area restrictions in Area 7E are necessary to protect milling summer and fall chinook. The director has determined that the Skagit pink run cannot be harvested in the usual manner and may be in danger of being wasted. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit origin pink salmon, and is necessary to reduce wastage and comply with state/tribal agreements. Mesh restrictions in Area 8 are necessary to protect chinook. The area restriction in Area 8 provides protection for weak Skagit-origin coho. Openings in Areas 10 and 11 provide opportunity to harvest nontreaty

allocation of South Sound origin coho stocks. Restriction in Area 10 provides enhanced sport opportunity in Elliott Bay. Openings in Areas 12 and 12B provide opportunity to harvest the non-Indian allocation of Hood Canal origin coho. The restriction in Area 12B is necessary to reduce interactions between commercial and sport fisheries. Openings in Area 12A provide opportunity to harvest Quilcene Hatchery origin coho salmon and to reduce wastage. The area restriction in Area 12A is necessary to protect local milling salmon stocks.

Effective Date of Rule: 12:01 a.m., September 10, 1989.

September 8, 1989
Joseph R. Blum
Director

NEW SECTION

WAC 220-47-514 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 10, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 7B – Gillnets using 5-inch minimum, 6-inch maximum mesh may fish continuously from 12:01 AM Sunday September 10 through 4 PM Friday October 27 and purse seines may fish continuously from 12:01 AM Monday September 11 through 4 PM Friday October 27. This fishery excludes those waters south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Area 7E – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, September 11, 12, 13 and 14, and purse seines may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, September 12, 13 and 14, and from 5 AM to 4 PM Friday, September 15. This area 7E opening excludes those waters north of a line projected from true east Tongue Point, and closed within a 1500-foot radius of the Glenwood Spring Hatchery ladder.
- * Area 8 – Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6 PM Sunday September 10 to 6 PM Monday September 11. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.

- * Areas 10, 11, 12 and 12B – Gill nets using 5-inch minimum mesh may fish from 6 PM Monday September 11 to 9 AM Tuesday September 12, and purse seines using the 5-inch strip may fish from 5 AM to 9 PM Tuesday September 12. This opening excludes those waters of Area 10 east of a line projected from West Point to Alki Point and those waters of Area 12B south and west of a line projected from Hood Point to Quatsap Point.
- * Area 12A – Gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, September 11, 12, 13, and 14, and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, September 12, 13, and 14, and from 5 AM to 4 PM Friday, September 15. This Area 12A opening excludes those waters north of a line projected true east from Board Spit.
- * Areas 6B, 6D, 7C, 7D, 8A, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER (Amending Order PL 477, filed 8/8/84)

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 10:

WAC 220-47-513 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-97)

WSR 89-19-012

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-102—Filed September 8, 1989, 4:55 p.m.]

Date of Adoption: September 8, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000K.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The coho quota has been met. This regulation will put the state in compliance with Pacific Fisheries Management Council regulations.

Effective Date of Rule: 11:59 p.m., September 10, 1989.

September 8, 1989
Joseph R. Blum
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 10, 1989.

WAC 220-24-02000K **LAWFUL ACTS—TROLL FISHERY.** (89-88)

WSR 89-19-013**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF TRANSPORTATION**

[Filed September 11, 1989, 9:26 a.m.]

The Washington State Department of Transportation is withdrawing Notice No. WSR 89-16-086 filed with the code reviser on August 2, 1989.

The chapter is chapter 468-16 WAC, Prequalification of contractors, scheduled for hearing on Monday, September 18, 1989, in Olympia, and Wednesday, September 20, 1989, in Yakima.

As a result of concerns raised by the Washington associated general contractors, more time is needed to review this revision. We will refile at a later date.

Ed. W. Ferguson
Deputy Secretary

WSR 89-19-014**NOTICE OF PUBLIC MEETINGS
COUNCIL ON VOCATIONAL EDUCATION**

[Memorandum—September 11, 1989]

Room 311-A, Building 300
Clark County Vocational Skills Center
12200 N.E. 28th Street
Vancouver, WA 98682
September 20, 1989
9:30 a.m. - 4:30 p.m.

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 89-19-015**PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed September 11, 1989, 2:26 p.m.]

Continuance of WSR 89-14-124.

Title of Rule: Chapter 296-62 WAC, General occupational health standards; chapter 296-65 WAC, Asbestos removal and encapsulation; and chapter 296-115 WAC, Passenger vessels.

Purpose: Chapters 296-62 and 296-65 WAC are being amended to comply with Washington State Laws of 1989, SSB 5681 relating to asbestos projects. Chapter 296-62 WAC is also being amended to adopt changes to be "identical to Federal Register Volume 54, Number

42 dated March 6, 1989, affecting hazardous waste operations and emergency response. Chapter 296-115 WAC is being amended to comply with Washington State Laws of 1989, SSB 5265 relating to the regulation of charter boats.

Other Identifying Information: Chapter 296-62 WAC, General occupational health standards, is amended with state-initiated changes to comply with Washington State Laws of 1989, SSB 5681 which amends chapter 49.26 RCW relating to asbestos projects, and to correct specific terminology. Amended sections are WAC 296-62-07703, 296-62-07707, 296-62-07712, 296-62-07721 and 296-62-07753; chapter 296-65 WAC, Asbestos removal and encapsulation, is amended with state-initiated changes to comply with Washington State Laws of 1989, SSB 5681 which amends chapter 49.26 RCW relating to asbestos projects to correct terminology, and to make new legislative requirements available in WAC standards for enforcement. Amended sections are WAC 296-65-001, 296-65-003, 296-65-005, 296-65-010, 296-65-015, 296-65-020, 296-65-025 and 296-65-030. New sections are 296-65-007, 296-65-012, 296-65-017, 296-65-035 and 296-65-050; chapter 296-62 WAC, Occupational safety and health standards, is amended with federal-initiated changes to be "identical" to comparable federal final rule 29 CFR 1910.120, as published in Federal Register Volume 54, Number 42 dated March 6, 1989, and OSHA Instruction 2-1.154 amending rules affecting hazardous waste operations and emergency response. The standard provides for employee protection during initial site characterization and analysis, monitoring activities, materials handling activities, training and emergency response for hazardous substance releases and spills. Coverage includes employees involved in responses covered by the Comprehensive Environmental Compensation and Liability Act of 1980 as amended (CERCLA or "Superfund" Act); the Conservation and Recovery Act of 1976 (RCRA); and the Superfund Amendments and Reauthorization Act of 1988 (SARA) and is mandated by those acts. Amended sections are WAC 296-62-300, 296-62-3010, 296-62-3020, 296-62-3030, 296-62-3040, 296-62-3050, 296-62-3060, 296-62-3070, 296-62-3080, 296-62-3090, 296-62-3100, 296-62-3110, 296-62-3120, 296-62-3130, 296-62-3140, 296-62-3152, 296-62-3160, 296-62-3170, 296-62-3180 and 296-62-3190. New sections are WAC 296-62-3112 and 296-62-3138. The repealed section is WAC 296-62-3150; and chapter 296-115 WAC, Passenger vessels (inland), is amended with state-initiated changes to comply with Washington State Laws of 1989, SSB 5265 which amends chapter 88.04 RCW relating to the regulation of charter boats. Amended sections are WAC 296-115-030 and 296-115-120.

Statutory Authority for Adoption: Chapters 34.05 and 49.17 RCW and chapter 1-21 WAC.

Statute Being Implemented: RCW 49.17.040, 49.17-.050 and 49.17.060.

Summary: See above.

Reasons Supporting Proposal: To ensure a safe and healthful workplace for all employees in Washington state.

Name of Agency Personnel Responsible for Drafting: Ray Wax, 805 Plum Street S.E., Olympia, Washington, 753-6500; Implementation and Enforcement: Alan S. Paja, 805 Plum Street S.E., Olympia, Washington, 753-6500.

Name of Proponent: Department of Labor and Industries, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Four individual statements were submitted with CR 102, filed July 5, 1989.

Rule is necessary because of federal law, For Hazardous Waste Adoption, Federal Register Volume 54, Number 42, dated March 6, 1989, Hazardous waste operations and emergency response, final rule.

Explanation of Rule, its Purpose, and Anticipated Effects: Position summaries were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Proposal Changes the Following Existing Rules: Position summaries were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Small Business Economic Impact Statement: Four statements were submitted with CR 102, filed July 5, 1989, WSR 89-14-124.

Date of Intended Adoption: September 27, 1989.

September 11, 1989
Joseph A. Dear
Director

WSR 89-19-016

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Natural Heritage Advisory Council)
[Memorandum—September 11, 1989]**

The Natural Heritage Advisory Council will meet on October 11, 1989, 9:30 a.m. to 5:00 p.m., Eastern Washington University, Pence Union Building, Council Chambers, Third Floor, Cheney, Washington.

Regular council business will include consideration of natural area preserve recommendations and management activities relating to natural area preserves.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Division of Land and Water Conservation, Mailstop EX-13, Olympia, Washington 98504, (206) 753-2449.

WSR 89-19-017

**EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed September 11, 1989, 3:42 p.m.]**

Date of Adoption: September 7, 1989.

Purpose: To amend recently adopted temporary rules which become effective October 1, 1989, to clarify how persons hired prior to October 1, 1989, are to be affected by the new rules when they become effective.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-415, 251-04-040, 251-12-600 and 251-19-120.

Statutory Authority for Adoption: RCW 28B.16.100.
Other Authority: RCW 70.24.300.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To address the potential impact on the welfare of the current temporary employees by assuring they are treated like employees hired on October 1, 1989.

Effective Date of Rule: October 1, 1989.

September 11, 1989
John A. Spitz
Director

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-01-415 TEMPORARY APPOINTMENT. (1) Work performed in the absence of an employee on leave for more than six consecutive months in accordance with WAC 251-19-120; or

(2) Performance of work which does not exceed one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, in accordance with WAC 251-04-040(5); or

(3) Formal assignment of the duties and responsibilities of a higher level class for a period of less than six consecutive months.

Reviser's note: RCW 34.05.395 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 179, filed 6/21/89, effective 10/1/89)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer,

(b) Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director,

(c) Are employed in a position directly related to their major field of study to provide training opportunity; or

(d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work 1050 hours or less in any 12 consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds 1050 hours in any 12 consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in WAC 251-04-040(2).

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by

the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

Reviser's note: RCW 34.05.395 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 179, filed 6/21/89, effective 10/1/89)

WAC 251-12-600 REMEDIAL ACTION. (1) The director may take remedial action when it is determined that the following conditions exist.

(a) The hiring institution has made an appointment that does not comply with HEPB rules.

(b) The employee has worked in one or more positions for more than 1050 hours in any 12 consecutive month period since the original hire date or October 1, 1989, whichever is later. (These hours do not include overtime or work time as described in WAC 251-04-040(2).)

(c) The position or positions are subject to civil service.

(d) The employee has not taken part in any willful failure to comply with these rules.

(2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.

(3) If the institution has complied with WAC 251-19-122, the employee must:

(a) Submit any request for remedial action in writing, and

(b) File the request within thirty calendar days after the effective date of the alleged violation of the conditions of employment which are to be specified in the written notification of temporary appointment.

(4) The director's order for remedial action shall be final and binding unless written exceptions are filed with

the board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

Reviser's note: RCW 34.05.395 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 179, filed 6/21/89, effective 10/1/89)

WAC 251-19-120 APPOINTMENT—TEMPORARY. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for more than six consecutive months shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the 1050 hours in any 12 consecutive month period from the original date of hire, or October 1, 1989, whichever is later, limitation identified in WAC 251-01-415(2) and WAC 251-12-600.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than six consecutive months. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (2), and (3) may be made without regard to the rules governing appointment.

(5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1), (2), and (3) shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(6) At the conclusion of a temporary appointment made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.

(7) Each institution shall develop for director approval a procedure which indicates its system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).

(8) An institution may petition the director in writing for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.

(9) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds.

Reviser's note: RCW 34.05.395 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 89-19-018
PROPOSED RULES
BASIC HEALTH PLAN
 [Filed September 11, 1989, 3:57 p.m.]

Original Notice.

Title of Rule: Reporting of income for recertification of membership under the Washington Basic Health Plan.

Purpose: To change the requirement for submittal of documentation to verify income at recertification from six month's worth to one month's worth to make recertification consistent with the plan's application process.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.050.

Summary: This notice proposes to adopt permanently the emergency amendatory rules of chapter 55-01 WAC filed July 24, 1989.

Reasons Supporting Proposal: As a result of the proposed action, the administrative burden of membership recertification will be substantially eased both for enrolled individuals and for the state. The proposed action is also necessary to ensure that the recertification process is consistent with the existing application process.

Name of Agency Personnel Responsible for Drafting: Marc E. Provence, 1200 Eastside Street S.E., HL-11, Olympia, 586-5332; Implementation and Enforcement: Thomas L. Kobler, 1220 Eastside Street S.E., HL-11, Olympia, 586-5332.

Name of Proponent: Washington Basic Health Plan, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: By changing income reporting from six month's to one month at recertification, the recertification process is made consistent with the Washington State Health Plan's application process. The effect is to streamline recertification and promote consistency in qualifying for benefits under the Washington Basic Health Plan.

Proposal Changes the Following Existing Rules: The proposal changes the requirement for submittal of documentation to verify income at recertification from six month's worth to one month's worth to make recertification consistent with the plan's application process.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Building, Large Auditorium, 1st Floor, Olympia, Washington, on October 24, 1989, at 9:30 a.m. - 10:30 a.m.

Submit Written Comments to: Marc E. Provence, by October 23, 1989.

Date of Intended Adoption: October 24, 1989.

September 11, 1989

Thomas L. Kobler
 Director

AMENDATORY SECTION (Amending Order 89-002 [89-001], filed 5/17/89 [2/16/89])

WAC 55-01-050 ENROLLMENT IN THE PLAN. (1) Any individual applying for enrollment in the plan must complete and submit the plan's application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible by the plan for payment of premiums due on behalf of the child.

(2) Each applicant shall complete and sign the application for enrollment, listing family members to be enrolled and supplying such other information as required by the plan. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a copy of their most recent federal income tax form. Income documentation shall be required for all income-earning family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address. (c) The plan may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the plan. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system. No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by the plan within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the plan in the order in which their completed applications, including all required documentation, have been received by the plan, provided that the applicant also remits full payment of the first premium bill to the plan by the due date specified by the plan.

(6) Not all family members are required to apply for enrollment in the plan; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the plan within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the plan, will be enrolled on the first of a month following completion of the enrollment process by the plan, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the plan.

(7) Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (b) coverage by another health care benefits program may not re-enroll in the plan for a period of twelve months from the effective date of disenrollment. An enrollee who disenrolls because of ineligibility due to an increase in gross family income may re-enroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may re-enroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment

from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be re-enrolled in the plan, that person must complete a new application for enrollment and must be determined by the plan to be otherwise eligible for enrollment as of the date of application.

(8) Once every six months, the plan will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. At recertification, enrollees will be required to report their ((monthly)) gross family income for the ((preceding six)) most recent complete calendar month(s) as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the plan within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 89-19-019**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-103—Filed September 11, 1989, 4:30 p.m.]

Date of Adoption: September 11, 1989.

Purpose: Commercial harvest rule.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Additional chinook salmon are available for harvest in Willapa Bay. If fishing is delayed until the scheduled opening on September 17, the opportunity will be lost to harvest a significant portion of these additional fish.

Effective Date of Rule: Immediately.

September 11, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-40-02100Q WILLAPA BAY SALMON Notwithstanding the provisions of WAC 220-40-026 and WAC 220-40-027, effective immediately until 6 PM September 21, 1989, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

- (1) Gill net gear may be used to fish for salmon from:
 - (a) 6 AM September 12 to 6 PM September 15 in areas 2M and that area of 2G lying east of a line from Ledbetter Point through Willapa Channel Marker 13 (approximately 20 degrees true).
 - (b) 6 PM September 17 through 6 PM September 21 in areas 2G, 2H, and 2M.
 - (c) 6 PM September 18 to 6 PM September 19 in areas 2J and 2K

MESH: 5 inch minimum to 6 1/2 inch maximum.

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

WSR 89-19-020
PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES
[Filed September 11, 1989, 4:40 p.m.]

Continuance of WSR 89-14-123.

Title of Rule: Crime victims' medical assistance.

Purpose: To implement changes in eligibility for the crime victims compensation program directed by the 1989 legislature.

Statutory Authority for Adoption: RCW 7.68.030.

Statute Being Implemented: RCW 7.68.070.

Summary: WAC 296-30-010, amending definitions of terms used in this chapter by defining "department" and "services provided"; and WAC 296-30-025, adopting a new section to establish a procedure for limiting payment of crime victims' benefits to persons not eligible for certain DSHS programs.

Reasons Supporting Proposal: The legislature has given the Department of Labor and Industries the responsibility to operate the crime victims compensation program within the appropriations and the statutory conditions and limitations on benefits. The proposed rule is designed to fulfill this responsibility, specifically amended RCW 7.68.070(16).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 925 Plum Street, Olympia, 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to the crime victims compensation statute prohibit the program from paying benefits to persons who qualify for certain DSHS programs. The rule requires applicants for crime victims' benefits to complete an additional form to determine probable eligibility for certain medical assistance programs administered by DSHS and to apply for DSHS benefits if it appears they are eligible. The rule is expected to facilitate compliance with the legislative mandate.

Proposal Changes the Following Existing Rules: The proposal amends RCW 7.68.010 by defining two additional terms.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Submit Written Comments to: Mark M. McDermott, Assistant Director, HC-710, Olympia, Washington 98504, by October 27, 1989.

Date of Intended Adoption: November 3, 1989.

September 11, 1989

Joseph A. Dear
Director

WSR 89-19-021
RULES OF COURT
STATE SUPREME COURT
[September 7, 1989]

IN THE MATTER OF THE ADOPTION ORDER
OF GR 15 No. 25700-A-438

The Judicial Council having proposed new GR 15 and the Court having determined that the Rule 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 Rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(j), the Rule will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 7th day of September, 1989.

	_____	Callow, C.J.
Robert F. Utter	_____	Pearson, J.
	_____	Andersen, J.
	_____	Durham, J.
Dore, J.	_____	Smith, J.
I oppose at this time.	_____	Robert F. Brachtenbach James Dolliver

GR 15
DESTRUCTION OR SEALING OF COURT
RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction or sealing of court files or specified documents or material in a court file. Except as provided by this rule and by RCW 36.23.065, the clerk shall maintain all documents and materials filed with the court, and shall make them available for public examination.

(b) Definition and Construction of Terms.

(1) Seal. To seal means to protect from examination. Sealing is accomplished by enclosing with a fastening which must be broken before access can be obtained.

Sealed records may be examined only pursuant to section (d) of this rule. A motion or order to expunge, delete, purge, or erase shall be treated as a motion or order to seal.

(2) Destroy. To destroy means to remove and physically obliterate in such a way as to make permanently unavailable for examination or for use in any court or other proceeding.

(3) Strike. A motion or order to strike is not a motion or order to seal or destroy.

(c) Grounds and Procedure for Requesting the Sealing or Destruction of Court Records.

(1) Criminal Cases or Juvenile Proceedings.

(A) Destruction of Files or Records. On motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be destroyed if the court finds that such action is expressly permitted by statute. Reasonable notice of the hearing shall be given to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant.

(B) Sealing of Files and Records. On motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be sealed if the court finds that such action is expressly permitted by statute or that there are compelling circumstances requiring such action. Reasonable notice of the hearing shall be given by the moving party to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant.

(2) Civil Cases.

(A) Destruction of Files or Records. After entry of final judgment, no civil case file or any part thereof may be destroyed, except after files have been microfilmed as provided in RCW 36.23.065. Before entry of final judgment, civil case files or parts thereof may be destroyed only if the destruction is expressly permitted by statute.

(B) Sealing of Files or Records. On motion of any party to a civil proceeding, or on the court's own motion, and after reasonable notice to the non-moving party and a hearing, the court may order the sealing of any files and records in the proceeding (i) to further an order entered under CR 12(f) or a protective order entered under CR 26(c); or (ii) under compelling circumstances where justice so requires.

(d) Grounds and Procedure for Requesting the Opening of Sealed Records.

(1) Criminal Cases and Juvenile Proceedings. After the entry of an order to seal all or part of a court file in a criminal or juvenile proceeding, the records sealed shall be opened only upon proof of compelling circumstances, unless otherwise provided by statute, and only

upon motion and written notice to the persons entitled to notice under subsection (c)(1) of this rule.

(2) Civil Cases. After the entry of an order to seal all or part of a court file in a civil proceeding, the records sealed shall be opened only upon stipulation of all parties or upon motion and written notice to all parties and proof of compelling circumstances.

(e) Clerk's Duties upon the Filing of an Order to Destroy or Seal. Upon the receipt of an order to destroy or seal signed by the court, the clerk shall take the following action:

(1) For orders to destroy the whole file, the clerk shall:

(A) Delete all references to the file from SCOMIS or other docket systems and all entries except the case number and substitute the words "File Destroyed"; and

(B) Remove and destroy the entire contents of the file, except for the order to destroy.

(2) For orders to seal the whole file, the clerk shall:

(A) Delete all references to the file from SCOMIS or other docket systems and all entries except the case number, the names of the parties, and the addresses of the parties or their attorneys, and substitute the words "File Sealed";

(B) Make a copy of all automated docket and other records and place them in the case file; and

(C) Seal the entire file, including but not limited to all pleadings, papers, depositions, exhibits, and court reporter's notes and minute entries, except for the order to seal.

(3) For orders to destroy specified documents or materials within a file, the clerk shall:

(A) On the automated or other docket substitute "Order Destroyed" for the docket entry, leaving only the date and number of the original documents or material;

(B) Remove and destroy the appropriate documents or material from the file, substituting a reference to the order to destroy, including the date and document number of the order; and

(C) File the order to destroy.

(4) For orders to seal specified documents or material within a file, the clerk shall:

(A) On the automated or other docket substitute "Ordered Sealed" for the docket entry, leaving only the date and number of the original documents or material;

(B) Remove the documents or material from the file, seal them, and return them to the file under seal; and

(C) If the file is made available for examination, remove the sealed records from the file before the rest of the file is made available and replace the sealed records immediately after the examination.

(f) Microfilming of Sealed Records. Sealed records may be microfilmed as provided in RCW 36.23.065 and such microfilm shall be maintained in accordance with this rule.

(g) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(h) Effect on Other Statutes. Nothing in this rule is intended to restrict or to expand the authority of clerks

under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor in the exercise of duties conferred by statute.

WSR 89-19-022
PROPOSED RULES
BOARD FOR
COMMUNITY COLLEGE EDUCATION
[Filed September 12, 1989, 3:13 p.m.]

Original Notice.

Title of Rule: Regular meeting of the State Board for Community College Education.

Purpose: To comply with statutory requirement for publishing annual schedule of regular meetings.

Statutory Authority for Adoption: RCW 42.30.075 and 28B.50.070.

Statute Being Implemented: RCW 42.30.075.

Summary: The rule establishes the regular meeting dates for 1990.

Name of Agency Personnel Responsible for Drafting: Gilbert J. Carbone, 319 7th Avenue, Olympia, 753-3650; Implementation and Enforcement: Earl Hale, 319 7th Avenue, Olympia, 753-2000.

Name of Proponent: State Board for Community College Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes the regular meeting dates of the State Board for Community College Education for 1990.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane Community College, Spokane, Washington, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Gilbert J. Carbone, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 11, 1989
Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 115, Resolution No. 88-37, filed 12/7/88)

WAC 131-08-010 REGULAR MEETINGS OF THE STATE BOARD. The time and place of the regular meetings of the state board for calendar year ((1989)) 1990 are:

- ~~((January 18-19~~ ~~South Puget Sound Community College, Olympia~~
- ~~March 1-2~~ ~~Pierce Community College, Tacoma~~
- ~~April 12-13~~ ~~South Puget Sound Community College, Olympia~~
- ~~May 17-18~~ ~~Olympic Community College, Bremerton~~
- ~~June 21-22~~ ~~Peninsula Community College, Port Angeles~~
- ~~September 13-14~~ ~~Wenatchee Valley Community College, Wenatchee~~

- ~~October 25-26~~ ~~Spokane Community College, Spokane~~
- ~~December 6-7~~ ~~Clark Community College, Vancouver))~~
- ~~January 31-February 1~~ ~~Pierce College, Tacoma~~
- ~~March 21-22~~ ~~Seattle Central Community College, Seattle~~
- ~~May 9-10~~ ~~Wenatchee Valley College, Wenatchee~~
- ~~June 20-21~~ ~~Everett Community College, Everett~~
- ~~September 12-13~~ ~~Bellevue Community College, Bellevue~~
- ~~October 24-25~~ ~~Skagit Valley Community College, Mount Vernon~~
- ~~December 5-6~~ ~~North Seattle Community, Seattle~~

WSR 89-19-023
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 89-104—Filed September 12, 1989, 3:26 p.m.]

Date of Adoption: September 12, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02100D.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are 2,800 chinook remaining on the Humpulips quota. Additional fishing time is needed to harvest these fish.

Effective Date of Rule: Immediately.

September 12, 1989
Joseph R. Blum
Director

NEW SECTION

WAC 220-36-02100E GRAYS HARBOR GILL NET SEASON Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-031, effective immediately until further notice, it is unlawful fish for, or possess salmon and sturgeon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Areas except as provided for in this section:

- Open to gill net gear
- 6:00 a.m. September 13 to 6:00 a.m. September 15 in SMCRA 2C
- 6:00 a.m. to 6:00 p.m. September 18 in SMCRA 2C
- 6:00 a.m. to 6:00 p.m. September 25 in SMCRA 2C
- 6:00 p.m. October 27 to 6:00 p.m. October 28 in SMCRA 2B
- 6:00 p.m. October 30 to 6:00 p.m. October 31 in SMCRA 2B

Gill net gear shall be used as provided for in WAC 220-36-015 except, prior to October 1, there is no maximum mesh size.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100D GRAYS HARBOR GILL-NET SEASON. (89-98).

WSR 89-19-024
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2869—Filed September 12, 1989, 3:49 p.m.]

Date of Adoption: September 12, 1989.

Purpose: The legislature increased funding for respite services, provided through the area agencies on aging, by more than 300%. Following the legislature's intent to expand respite services, the department is proposing her to revise and simplify requirements for provision of respite services in nursing homes in order to make respite services more accessible.

Citation of Existing Rules Affected by this Order: Repealing WAC 248-14-297; and amending [new] WAC 248-14-298.

Statutory Authority for Adoption: RCW 18.51.070.

Pursuant to notice filed as WSR 89-18-054 on September 1, 1989.

Changes Other than Editing from Proposed to Adopted Version: Subsection (2) "disabled persons" is changed to "persons with disabilities"; in subsection (4)(a)(ii), "a case manager designated by" is added after "plan of care done by" and before "an area agency on aging."

Effective Date of Rule: Thirty days after filing.

September 12, 1989
 Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 248-14-298 RESPITE SERVICES. (1) The provisions of this section apply to all respite services provided in nursing homes.

(2) "Respite services" means relief care for families or other caregivers of persons with disabilities. The services provide temporary care and supervision of persons with disabilities in substitution for the caregiver. The services are provided for not more than fourteen consecutive days.

(3) A nursing home providing respite services shall develop policies and procedures regarding the provision of such care consistent with applicable statutes and regulations.

(4) A nursing home shall not accept or retain any person for respite services unless the nursing home can meet the person's needs and continue required services during the respite stay.

(a) Before or at the time of admission of an individual for respite services, the nursing home shall obtain sufficient information, including current diagnoses, to meet the individual's needs during the respite stay.

(i) Needs during respite stay include problems routinely requiring attention by the usual provider of care and health care personnel, and needs likely to require nursing intervention during the respite stay.

(ii) A respite care assessment and plan of care done by a case manager designated by an area agency on aging under contract with the department may be used by a nursing home to obtain the information required by this subsection.

(b) The nursing home shall complete a simple nursing assessment upon admission. The nursing home may use an assessment provided by an area agency on aging, if the nursing home reviews and verifies the assessment. More in-depth assessment must be done during the respite stay if the resident's condition warrants the assessment.

(5) Before or at the time of admission, the nursing home shall obtain the name, address, and telephone number of the individual's physician and back-up physician.

(6) Before or at the time of admission for respite services, the nursing home shall obtain physician orders for immediate care. Physician orders for immediate care are those orders facility staff need to provide essential care to the resident, consistent with the resident's mental and physical status upon admission. At a minimum, these orders include dietary, medication, and routine care to maintain or improve the resident's functional abilities during the respite stay.

(7) Before or at the time of admission, the nursing home shall make arrangements with the respite resident, guardian, or family for obtaining authorization for emergency medical treatment.

(8) The nursing home shall promptly report to the respite resident's physician, or back-up physician, any significant injury, illness, or adverse change in the resident's health condition.

(9) A nursing home may reopen respite care health records up to one year following discharge for subsequent respite care admissions, provided the recorded information is reviewed and updated with each admission.

(10) The nursing home shall make provisions for securing respite care residents' cash and other valuables brought to the nursing home during the respite stay.

(11) In providing respite care, nursing homes are not required to comply with WAC 248-14-247(4), 248-14-250, 248-14-260 (2)(b), 248-14-270 (2)(c) and (5)(a), 388-88-095, 388-88-097, or 388-88-098.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-14-297 RESPITE CARE.

WSR 89-19-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2870—Filed September 12, 1989, 3:56 p.m.]

Date of Adoption: September 12, 1989.

Purpose: Clarifies a provision regarding the maximum number of hours an individual may devote to an employment and training program; incorporates federal requirements to reimburse participants for incurred dependent care expenses; provides procedures to be followed when a head of household changes after a sanction has been imposed for either failure to participate or for voluntary quit; clarifies the definition of what constitutes unsuitable employment; and makes numerous editorial changes meant to clarify and simplify the regulations for the reader.

Citation of Existing Rules Affected by this Order: Amending chapter 388-49 WAC, Food assistance programs.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 89-15-055 on July 19, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-49-370(1) proposed rule, the wage offered is less than the federal minimum wage; adopted version, the wage offered is less than the federal or state minimum wage, whichever is highest; WAC 388-49-370(2) proposed rule, the employment offered is on a piece-rate basis, and the average hourly yield expected is less than [than] the federal minimum wage; adopted version, the employment offered is on a piece-rate basis, and the average hourly yield expected is less than [than] the federal or state minimum wage, whichever is highest; and WAC 388-49-370(8) proposed rule, the distance from the member's home to employment is unreasonable considering the wage, time, and cost of commuting; adopted version, the distance from the member's home to employment is unreasonable considering the wage, time and cost of commute: (a) The department shall not consider employment suitable when daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility; and (b) the department shall not consider employment suitable when the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the client to the job site.

Reason for the change is the proposed rule did not meet codified federal regulation for this section.

Effective Date of Rule: Thirty days after filing.

September 12, 1989

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-360 WORK REGISTRATION AND EMPLOYMENT AND TRAINING (E&T)

PROGRAM SERVICES. (1) Unless ~~((otherwise))~~ exempt, the department shall register each individual between ~~((the ages of))~~ eighteen and sixty ~~((shall register))~~ years of age, for employment at certification and once every twelve months thereafter. The department shall register a child reaching ~~((age))~~ eighteen years of age during a certification period ~~((shall be registered))~~ for work during the next recertification process.

(2) The department shall register sixteen ~~((or))~~ and seventeen-year-old heads of households ~~((shall register))~~ for employment unless the ~~((individual is))~~ individuals are:

(a) Attending school~~((;))~~; or

(b) Enrolled in an ~~((employment and training))~~ E&T program at least half time.

(3) ~~((Persons))~~ The department shall exempt from work registration ~~((shall include))~~ a person:

(a) ~~((A person))~~ Physically or mentally unfit for employment;

(b) ~~((A parent or other member of the household having responsibility))~~ Responsible for the care of a dependent child under six years of age or of an incapacitated person.

If a child's sixth birthday falls within a certification period, ~~((the individual responsible for the care of the child shall fulfill the work registration requirement at))~~ apply the exemption until the next recertification~~((, unless the individual qualifies for another exemption.))~~;

(c) ~~((A person))~~ Applying for or receiving unemployment compensation (UC)~~((, or a person applying for but not yet receiving unemployment compensation (UC)))~~;

(d) ~~((A household member))~~ Subject to and participating in any work program under Titles IV-A and IV-C of the Social Security Act, as amended, or ~~((employment and training (t)))~~ other E&T~~((s))~~ program~~((s))~~;

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

(f) Enrolled as a student ~~((enrolled at least))~~ half time or more in any recognized school, training program, or institution of higher education provided ~~((those))~~ the students enrolled in higher education ~~((have met))~~ meet the eligibility conditions ~~((im))~~ under WAC 388-49-020;

(g) ~~((A regular participant))~~ Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program;

(h) ~~((A person))~~ Complying with work requirements imposed as a participant in any refugee program; ~~((and))~~ or

(i) ~~((A migrant or seasonal farmworker))~~ Under contract or ~~((similar))~~ agreement with an employer ~~((to begin employment within thirty days))~~ as a migrant or seasonal farmworker.

(4) The department shall provide work registration forms ~~((to the applicant))~~ for each household member required to register. ~~((Household members are registered when they submit))~~ Department receipt of a completed work registration form ~~((to the department))~~ constitutes registration.

(5) The department shall accept an applicant's statement concerning the employability of each member of

the household unless the information is questionable. The department shall verify any claim for exemption ~~((it))~~ the department determines questionable.

(6) The department shall:

(a) Refer persons required to register for work to ~~((employment and training))~~ E&T program services, unless the person is exempted by subsection ~~((7))~~ (9) of this section; and

(b) Provide ~~((employment and training))~~ E&T program services to assigned applicants or recipients ~~((who are))~~ not otherwise exempt, either directly or through a contracted service provider, as specified in the state plan.

(7) Persons subject to ((employment and training)) E&T services shall participate in an ((employment and training)) E&T program service for:

(a) A minimum level of ((effort)) participation comparable to spending approximately ((12)) twelve hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time ((they are entered)) an applicant/recipient enters into the food stamp program; or

(ii) Each ((12)) twelve months of continuous participation, whichever occurs sooner.

~~((7)) Applicants or recipients required to register for work, but exempt from referral for employment and training program services, shall include those:~~

~~(a) Residing in an exempt county as specified in the state plan;)~~

~~(b) ((Residing more than one hour's travel from the service provider;~~

~~(c) Having no mailing address or message telephone;~~

~~(d) Having a temporary incapacity expected to have a duration of at least 60 days; and~~

(e) In their first or second trimester of pregnancy)) A maximum level of participation not to exceed one hundred twenty hours. In any month, hours of participation may include a combination of:

(i) An E&T program; and

(ii) Workfare program; and

(iii) Hours worked for compensation.

(8) The department shall require persons subject to ((employment and training shall also be required)) E&T to:

(a) Report at a prescheduled time to the department or service provider ((for)) and participate in an initial assessment interview. The department or service provider shall provide written information regarding ((at least the following in the assessment interview)):

(i) ((A written employment and training)) An E&T plan developed jointly between the department((;)) or service provider and the participant;

(ii) The grounds for noncompliance;

(iii) The sanctions for noncompliance without good cause; and

(iv) Provisions for ending noncompliance.

(b) ((Respond to a request from the department or service provider requiring)) Provide supplemental information regarding employment status or availability for work as requested;

(c) Report when referred to an employer, if the potential employment is suitable((, when referred by the department or service provider));

(d) Accept a bona fide offer of suitable employment;

(e) ((Report at a prescheduled time to the department or service provider)) Complete reports as scheduled on the results of individual participation in all ((employment and training)) E&T services ((participated in)); and

(f) ((Comply with the department or service provider's requests)) Appear for follow-up interviews.

(9) The department shall exempt from referral for E&T program services applicants or recipients who:

(a) Reside in an exempt county as specified in the state plan;

(b) Reside one hour or more travel distance from the service provider;

(c) Have no mailing address or message telephone; or

(d) Have a temporary incapacity expected to have a sixty-day or more duration.

(10) The department shall ((provide)) reimburse participants for expenses incurred in fulfilling E&T requirements as follows:

(a) An allowance of twenty-five dollars per participant month for ((costs of)) transportation or other costs ((that are)) reasonably necessary and directly related to participation in the ((employment and training)) E&T program; and

(b) Effective July 1, 1989, dependent care costs directly related to participation in the E&T program, up to one hundred sixty dollars per month, per dependent.

(i) A participant who is part of an AFDC household and resides in an area with work programs under Titles IV-A and IV-C of the Social Security Act, as amended, is not eligible for dependent care reimbursement under the E&T program.

(ii) An individual's participation in E&T activities shall be deferred if dependent care costs would exceed one hundred sixty dollars per dependent per month. Deferral shall continue until:

(A) A suitable component is available; or

(B) Circumstances change and monthly dependent care costs no longer exceed the limit.

(iii) Any portion of child care costs reimbursed may not be claimed as an expense and used in calculating the child care deduction.

((11)) (11) If a household member fails to comply with work registration or ((employment and training)) E&T program requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the head of household((;))₂ or

(b) Disqualify the noncompliant person if the noncompliant member is ((other than)) not the head of household. The department shall treat the disqualified member as an ineligible household member.

((12)) (12) The department shall determine whether or not good cause existed before initiating sanction for refusal or failure to register for work or participate in E&T program services. The following circumstances shall constitute good cause for failure to register for work or participate in E&T program services. The following circumstances are not inclusive:

(a) Illness of the participant;

(b) Illness of another household member requiring the presence of the member;

(c) A household emergency;

(d) The unavailability of transportation; and

(e) Lack of adequate child care for children who reached six years of age, but are under twelve years of age.

(13) Within ten days of a determination of failure to comply the department shall determine whether good cause exists and, if not, provide notice to the household that contains:

(a) The particular act of noncompliance;

(b) The proposed period of disqualification;

(c) Notification that the individual or household may reapply at the end of the disqualification period; and

(d) Information describing the action the individual or household may take to end or avoid the sanction.

(14) The disqualification for noncompliance ((with work registration or employment and training program service requirements)) shall be for two months or until the noncompliant member moves from the household, becomes exempt, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household((-)) and joins another household((- the entire new household is ineligible for the remainder of the disqualification if the noncompliant member joins));

(i) As head of the household((-)), the entire new household is ineligible for the remainder of the disqualification and the original household may resume participation; or

((b)) (ii) ((If the noncompliant member is)) As not the head of household ((in the new household)), the department shall ((treat)) consider the noncompliant individual as an ineligible household member for the remainder of the disqualification.

((12) The department shall determine whether or not good cause existed prior to initiating sanction for refusal or failure to register for work or participate in employment and training program services.

(13) The following circumstances beyond the participant's control shall constitute good cause for failure to register for work, or participate in employment and training program services. These are not inclusive:

(a) Illness of the participant;)

(b) ((Illness of another household member requiring the presence of the member;

(c) A household emergency;

(d) The unavailability of transportation; and

(e) Lack of adequate child care for children who have reached six years of age, but are under 12 years of age)) If a new person, who has not committed a violation, joins a sanctioned household as head of the household, the period of ineligibility for the household ends.

((14)) (15) The department shall ((treat)) consider a household member subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, ((shall be treated as though the member had failed to

comply with the corresponding employment and training)) the same as under E&T program service requirements if the requirements were comparable. If a ((corresponding employment and training)) comparable E&T program service requirement does not exist, the household member shall lose ((their)) exemption status as referenced ((in)) under subsection (3)(d) of this section and shall register for work.

((15) DSHS shall administer the program.))

(16) ((Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:

(a) A determination of nonexempt status; or

(b) Failure to comply with work registration and employment and training program requirements; or

(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement)) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. The individual may reestablish eligibility during the disqualification period if the reason for disqualification is corrected.

(17) ((Within ten days of the department's determination of failure to comply, without good cause, the department shall provide the household with notice of adverse action that contains:

(a) The particular act of noncompliance;

(b) The proposed period of disqualification;

(c) Notification that the individual or household may reapply at the end of the disqualification period; and

(d) Information describing the action which the individual or household may take to end or avoid the sanction)) Persons subject to reporting requirements who lose exemption status due to any change of circumstance shall register for work. Persons shall complete the work registration report form and return the form within ten

calendar days of the date the department hands or mails the form to the household member reporting the change. If the person fails to return the form, the department shall issue a notice of adverse action stating:

(a) A participant or, if the individual is the head of the household, the household is terminated and the reason why; but

(b) The termination may be avoided by returning the form.

(18) ((At the end of the two-month disqualification period, a household may apply to reestablish eligibility. The individual may reestablish eligibility during the disqualification period if the reason for disqualification is corrected)) Persons not subject to reporting requirements who lose exemption status during a certification period shall register for employment at the household's next recertification.

(19) ((A registrant moving out of the jurisdiction of the department's local office with which the registrant is registered shall reregister at the department local office in the new location)) A registrant moving out of the jurisdiction of the department's local office where the registrant is registered shall reregister at the department local office in the new location.

(20) ((Persons who are subject to reporting requirements and who lose exemption status due to any change

~~of circumstance shall register for work. They shall complete the work registration report form and return it within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household)) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.~~

~~(21) ((Persons who are not subject to reporting requirements shall register for employment at the household's next recertification)) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:~~

- ~~(a) A determination of nonexempt status; or~~
- ~~(b) Failure to comply with work registration and employment and training program requirements; or~~
- ~~(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement.~~

~~(22) ((The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative)) DSHS shall administer the program and may contract E&T services through other agencies.~~

NEW SECTION

WAC 388-49-370 UNSUITABLE EMPLOYMENT. The department shall consider employment unsuitable when:

- (1) The wage offered is less than the federal or state minimum wage, whichever is highest;
- (2) The employment offered is on a piece-rate basis and the average hourly yield expected is less than the federal or state minimum wage, whichever is highest;
- (3) The employee as a condition of employment is required to join, resign from, or refrain from joining any legitimate labor union;
- (4) The work offered is at a site subject to strike or lockout at the time of offer unless:
 - (a) The strike is enjoined under the Taft-Hartley Act; or
 - (b) An injunction is issued under section 10 of the Railway Labor Act.
- (5) The degree of risk to health and safety is unreasonable;
- (6) The member is physically or mentally unfit to perform the employment as documented by medical evidence or reliable information from other sources;
- (7) The employment offered within the first thirty days of registration is not in the member's major field of experience;
- (8) The distance from the member's home to employment is unreasonable considering the wage, time and cost of commute:
 - (a) The department shall not consider employment suitable when daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility; and
 - (b) The department shall not consider employment suitable when the distance to the place of employment

prohibits walking and neither public nor private transportation is available to transport the client to the job site.

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

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-380 VOLUNTARY QUIT. (1) A household where the head of household voluntarily quit his or her most recent job without good cause shall be ineligible if:

(a) The employment involved twenty hours or more per week or provided weekly earnings equivalent to twenty times the minimum wage((;));

(b) The quit occurred within sixty days prior to application or any time thereafter((;

~~(c) The quit was without good cause;);~~ and

~~((d))~~ (c) The head of household is required to register for work as provided ~~((in))~~ under WAC 388-49-360.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included ~~((in))~~ under WAC ~~((388-49-370(10)))~~ 388-49-360(12);

(b) The employment is unsuitable as defined ~~((in))~~ under WAC 388-49-370~~((3))~~;

(c) Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the head of household of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions ~~((in))~~ under WAC 388-49-330, requiring the head of household to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the head of household to leave employment;

(g) Resignations by persons under ~~((the age of))~~ sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of ~~((more than))~~ twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the head of household, subsequently either does not materialize or results in employment of ~~((less than))~~ twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where the head of household voluntarily quit the head of household's most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from reducing hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) An employee of the federal government or of a state or local government who participates in a strike against the government and is subsequently dismissed because of participation in the strike, shall be considered to have voluntarily quit a job without good cause.

(5) If a quit was without good cause, the department shall:

(a) Deny a household's application for a period of ninety days beginning with the day of quit; or

(b) For participating households, disqualify the household for three months. The disqualification shall start the first of the month following the adverse action period.

~~((4))~~ (6) If a noncompliant head of household leaves the household, the remaining household members shall no longer be sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction shall be imposed on the new household. If the violator joins a new household and is not the household head, the sanction ends. If a new person who has not committed a violation joins the household as its head, the period of ineligibility ends.

~~((5))~~ (7) The household shall have primary responsibility for providing verification. If the household and the department are unable to obtain verification, the department shall not deny the household ~~((shall not be denied))~~ access to the program.

~~((6))~~ (8) The household ~~((shall))~~ may re-establish eligibility during the disqualification, if otherwise eligible, ~~((if))~~ and the ~~((member))~~ person who caused the disqualification:

(a) Secures new employment:

(i) Comparable in monthly salary ~~((or hours))~~ to the job ~~((which was))~~ the person quit~~((;))~~; or

(ii) If at a lesser monthly salary, is expected to improve the person's future employment prospects.

(b) Leaves the household~~((, or))~~;

(c) Becomes exempt from work registration; or

(d) Complies with requirements to correct the disqualification.

WSR 89-19-026

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed September 13, 1989, 1:12 p.m.]

Original Notice.

Title of Rule: Parking and traffic regulations.

Purpose: Protect and control pedestrian and vehicular traffic, assure emergency access, minimize traffic disturbance during class hours and assigning parking space.

Statutory Authority for Adoption: RCW 28B.19.050 and 28B.40.120.

Summary: Change parking lot designations and increase monetary penalty schedule.

Reasons Supporting Proposal: Parking lot designations have been changed to a grid pattern for ease in locating lots and revenue from fines has not paid for dealing with infractions and so fines were increased.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alfred J. Teeple, Chief of Campus Safety, 453-2958 scan, Central Washington University, Ellensburg, Washington 98926.

Name of Proponent: Chief Al Teeple, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of rule and its purpose was defined above. Proposed changes would make parking lots easier to find on campus map (grid pattern) and increase in penalty schedule would further discourage infractions as well as pay for the cost of assessing and collecting fines.

Proposal Changes the Following Existing Rules: Parking lot designations and monetary penalty schedule references are changed within the rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Student Union Building (SUB) 103, on October 24, 1989, at 1:30 p.m.

Submit Written Comments to: Judy Miller, Executive Offices, Central Washington University, by October 20, 1989.

Date of Intended Adoption: October 24, 1989.

September 8, 1989

Donald L. Garrity

President

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by university permit only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to ~~((4:00))~~ 4:30 p.m. Monday through Friday, except:

(2) No parking permitted daily in ~~((B, C+))~~ J-8, R-14, and ~~((R))~~ S-10 lots from 4:00 a.m. to 6:00 a.m. except in designated areas of those lots as posted.

(3) ~~((In the library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday:~~

~~((4))~~ Enforcement shall be in effect twenty-four hours a day in the following parking areas:

(a) Buttons Apartments;

(b) Limited time zones;

(c) I-15 and N-19 lot;

(d) Handicapped areas.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: Parking in a space

marked "handicapped permits only" or "health center permit only," ~~(and in the library parking lot.)~~

- (4) Parking and/or driving on sidewalks is prohibited.
- (5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Roy P. Wahle University Complex, Student Village Apartments, Getz Short Apartments and Buttons Apartments do not need parking permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

- (2) Apartment residents may purchase a commuter parking permit.
- (3) Residents of Student Village may park in lots ~~((G-1 and G-2))~~ T-22, U-22, and X-22 without a permit.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-207 FACULTY-STAFF PARKING. Faculty and staff parking areas are posted with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking area Monday through Friday from 7:30 a.m. to ~~((4:00))~~ 4:30 p.m.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-208 FIRE LANES AND SERVICE DRIVES. Parking is not allowed at any time in the service drives or fire lanes of all campus buildings. Service drives may be used by service and emergency vehicles ~~(; and for loading and)~~: Load/unload permits are required for unloading personal items.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-210 PARKING WITHIN DESIGNATED SPACES. All vehicles shall be parked perpendicular to the bumper blocks and/or within the painted lines. In ~~((B and C-1))~~ J-8 and R-14 lots the front of the vehicle shall be facing toward and against the bumper blocks.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-301 PURCHASING PARKING PERMITS. ~~((+))~~ Parking permits may be purchased from ~~((the cashier during registration or at))~~ the cashier's office, Mitchell Hall.

~~((2) Persons who own more than one vehicle that may be parked on university owned parking facilities may obtain permits for such additional vehicles. PROVIDED, That this type of additional permit does not constitute the right to park more than one vehicle at a time on campus. WAC 106-116-305(4) also has applicability in this situation:))~~

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-311 PARKING FEE REFUNDS. (1) Application for parking permit fee refunds are to be made at the ~~((campus safety department))~~ auxiliary services office. The parking permit must be surrendered upon application for a refund.

- (2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.
- (3) Refunds are permitted only under the following conditions:
 - (a) Student teaching, or other off-campus program;
 - (b) Withdrawal from the university;
 - (c) Termination of employment.
- (4) Refunds will not be made for daily permits.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the ~~((cashier's))~~ auxiliary services office, ~~((Mitchell))~~ Barge Hall, CWU, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the ~~((cashier's))~~ auxiliary services office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board, consisting of three student members, one faculty member, one staff member, the chief of campus safety (ex officio) and the director of student activities (ex officio). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the campus safety office. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-601 TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC. (1) The campus safety office and the ~~((physical plant department))~~ auxiliary services office are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the chief of campus safety and the director of ~~((physical plant))~~ auxiliary services, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of campus safety.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-603 MONETARY PENALTY SCHEDULE.

Offense	Penalty
(1) Improper display of permit	\$ 5.00
(2) Parking faculty-staff area	((5.00)) 12.00
(3) Parking yellow stripe or curb	((5.00)) 7.00
(4) Parking outside designated parking area	((5.00)) 7.00
(5) Obstructing traffic	((10.00)) 25.00
(6) Parking at improper angle or using more than one stall, or backing into parking stall	((5.00)) 7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901	((5.00)) 7.00
(8) Reserved parking area	((5.00)) 12.00
(9) No parking area	10.00
(10) Overtime parking	((5.00)) 7.00
(11) Using counterfeit, falsely made or altered permit	100.00
(12) Illegal use of permit	25.00
(13) No current permit	((5.00)) 7.00
(14) Parking service drive	((10.00)) 12.00
(15) Parking/driving sidewalks, malls	15.00
(16) Parking/driving lawns	((15.00)) 20.00
(17) Parking fire lane	((15.00)) 25.00
(18) Parking fire hydrant	((15.00)) 25.00
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	((10.00)) 12.00

Offense	Penalty
(20) Other violations of the objectives of the CWU parking and traffic regulations	((5.00 to 10.00)) 7.00 to 12.00
(21) Parking in a space marked "handicapped permits only"	((25.00)) 30.00
(22) Continuous parking	((15.00)) 20.00

The first \$5.00 to ((~~\$10.00~~)) \$7.00 infraction notice each academic year shall be considered a written warning and no monetary penalty will be imposed if brought to the campus safety (police) office within seven calendar days from the date of the infraction. Parking warning transactions will be handled by that office between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed twenty-five dollars for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

WSR 89-19-027
EMERGENCY RULES
CENTRAL WASHINGTON UNIVERSITY
 [Filed September 13, 1989, 1:16 p.m.]

Date of Adoption: September 8, 1989.

Purpose: Change parking lot designations and increase monetary penalty schedule.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-201, 106-116-203, 106-116-205, 106-116-207, 106-116-208, 106-116-210, 106-116-301, 106-116-311, 106-116-514, 106-116-601 and 106-116-603.

Statutory Authority for Adoption: RCW 28B.19.050 and 28B.40.120.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Parking lot designation changes and monetary penalty schedule must be in force and available to students and faculty in print on or before September 21, the first day of fall quarter 1989 to avoid confusion and enable campus safety personnel to preserve general welfare of public.

Effective Date of Rule: Immediately.

September 8, 1989
 Donald L. Garrity
 President

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(2) No parking permitted daily in ((~~B, C-1~~)) J-8, R-14, and ((~~R~~)) S-10 lots from 4:00 a.m. to 6:00 a.m. except in designated areas of those lots as posted.

(3) ((~~In the library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday.~~

((~~4~~)) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

- (a) Buttons Apartments;
- (b) Limited time zones;
- (c) I-15 and N-19 lot;
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(2) If the alleged violator chooses to contest, he/she may do so by contacting the ~~((cashier's))~~ auxiliary services office, ~~((Mitchell))~~ Barge Hall, CWU, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the ~~((cashier's))~~ auxiliary services office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board, consisting of three student members, one faculty member, one staff member, the chief of campus safety (ex officio) and the director of student activities (ex officio). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the campus safety office. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

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(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of campus safety.

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	<u>7.00</u>

Offense	Penalty
(5) Obstructing traffic	((+0.00)) <u>25.00</u>
(6) Parking at improper angle or using more than one stall, or backing into parking stall	((5.00)) <u>7.00</u>
(7) Violation of the bicycle parking rules in WAC 106-116-901	((5.00)) <u>7.00</u>
(8) Reserved parking area	((5.00)) <u>12.00</u>
(9) No parking area	<u>10.00</u>
(10) Overtime parking	((5.00)) <u>7.00</u>
(11) Using counterfeit, falsely made or altered permit	<u>100.00</u>
(12) Illegal use of permit	<u>25.00</u>
(13) No current permit	((5.00)) <u>7.00</u>
(14) Parking service drive	((+0.00)) <u>12.00</u>
(15) Parking/driving sidewalks, malls	<u>15.00</u>
(16) Parking/driving lawns	((+5.00)) <u>20.00</u>
(17) Parking fire lane	((+5.00)) <u>25.00</u>
(18) Parking fire hydrant	((+5.00)) <u>25.00</u>
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	((+0.00)) <u>12.00</u>
(20) Other violations of the objectives of the CWU parking and traffic regulations	((5.00 to +10.00)) <u>7.00 to 12.00</u>
(21) Parking in a space marked "handi-capped permits only"	((25.00)) <u>30.00</u>
(22) Continuous parking	((+5.00)) <u>20.00</u>

The first \$5.00 to ~~((+\$10.00))~~ \$7.00 infraction notice each academic year shall be considered a written warning and no monetary penalty will be imposed if brought to the campus safety (police) office within seven calendar days from the date of the infraction. Parking warning transactions will be handled by that office between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed twenty-five dollars for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts,
- (b) Deduction from payroll checks, and/or
- (c) Withholding of parking permits.

WSR 89-19-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 89-105—Filed September 13, 1989, 4:46 p.m.]

Date of Adoption: September 13, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations were adopted by the Columbia River Compact at its September 7, 1989, meeting.

Effective Date of Rule: Immediately.

September 13, 1989

Joseph R. Blum
Director

NEW SECTION

WAC 220-33-010001 COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WACs 220-33-005, 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except as provided for in the following section:

(1) Open to the taking of salmon, sturgeon, and shad.

(a) Time: 6 PM September 17 to 6 PM September 21

6 PM September 25 to 6 PM September 29

6 PM October 2 to 6 PM October 6

(b) Area: SMCRA 1A, 1B, 1C, 1D, and 1E

(c) SANCTUARIES: Closed to fishing

Grays Bay
Abernathy
Cowlitz
Washougal
Elokomín-B
Kalama-B
Lewis-B

Big Creek defined as Calander and Big Creek sloughs east from boundary markers at the west end of Minaker Island, upstream to deadline markers approximately 1/4 mile east of the of Big Creek

MESH: No special mesh restrictions

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

WSR 89-19-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 89-107—Filed September 13, 1989, 4:50 p.m.]

Date of Adoption: September 13, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-40-02100Q.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Additional chinook salmon are available for harvest in Willapa Bay. If fishing is delayed until the scheduled opening on September 17, the opportunity will be lost to harvest a significant portion of these additional fish.

Effective Date of Rule: Immediately.

September 13, 1989

Joseph R. Blum

Director

NEW SECTION

WAC 220-40-02100R WILLAPA BAY SALMON Notwithstanding the provisions of WAC 220-40-026 and WAC 220-40-027, effective immediately until 6:00 p.m. September 21, 1989, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6 AM September 12 to 6 PM September 15 in areas 2M and that area of 2G lying east of a line from Ledbetter Point through Willapa Channel Marker 13 (approximately 20 degrees true).

(b) 6 PM September 17 through 6 PM September 21 in areas 2H, 2M, and that portion of area 2G lying east of Ledbetter Point and a line protected true north and south through Buoy 12.

(c) 6 PM September 18 to 6 PM September 19 in areas 2J and 2K

MESH: 5 inch minimum to 6 1/2 inch maximum.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100Q WILLAPA BAY SALMON (89-103)

WSR 89-19-030
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Filed September 14, 1989, 10:20 a.m.]

Date of Adoption: September 13, 1989.

Purpose: To amend chapter 173-303 WAC to set forth procedures for a dispute resolution process between developers of hazardous waste management facilities and local governments potentially affected by those facilities. The amendment also establishes a grant program to support the dispute resolution process.

Citation of Existing Rules Affected by this Order: Amending chapter 173-303 WAC.

Statutory Authority for Adoption: RCW 70.105.260.

Other Authority: The Model Toxics Control Act.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Successful siting of hazardous waste management facilities depends on providing adequate opportunities for public participation in the early stages of the site selection and permit process. Twenty-three companies have applied to the Department of Ecology for hazardous waste management permits to build new or expand existing hazardous waste management facilities. The department must adopt this regulation on an emergency basis in order to grant money to potentially affected local governments. The grant money will be used to establish a process for citizens to meet directly with facility proponents to discuss and resolve issues regarding the health and welfare of the community before the permit process is completed.

Effective Date of Rule: Immediately.

September 13, 1989

Christine O. Gregoire

Director

NEW SECTION

WAC 173-303-902 CITIZEN/PROPONENT NEGOTIATIONS. (1) *Intent and purpose.* Successful siting of dangerous waste management facilities depends on public confidence, which requires affected communities to have opportunities to meet with owners/operators of proposed dangerous waste management facilities to resolve concerns about such facilities. RCW 70.105.260 authorizes the department to specify a procedure for conflict resolution activities for dangerous waste management facility proponents, host communities, citizens and citizen groups, and to expend funds to support such activities. The purpose of this section is to set forth a procedure for negotiations between affected communities and the proponent of a facility, and the eligibility criteria for financial assistance.

(2) *Applicability.*

(a) This section applies to local governments and citizens potentially affected by the siting and permitting of

a dangerous waste management facility, owners and operators of proposed facilities, and owners and operators of facilities for which interim or final status permit applications have been submitted to the department prior to the effective date of this section. This section also applies to existing facilities with interim or final status for which the department receives an application for expansion. This section only applies to the expanded portion of the existing facility.

(b) A modified citizen/proponent negotiations (CPN) process shall apply to lead local governments who are also proponents of the facility.

(c) This section does not apply to owners/operators of facilities or portions of facilities applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to mobile facilities for on-site cleanup at treatment, storage, or disposal facilities undergoing closure, facilities operating under an emergency permit pursuant to WAC 173-303-804, or facilities for on-site cleanup of sites under the Comprehensive Environmental Response, Compensation, and Liability Act, or chapters 70.105, 90.48 RCW, and The Model Toxics Control Act.

(3) Relationship to other legislation and administrative rules.

(a) The lead local government receiving a grant under this section, shall comply fully with all applicable federal, state, and local laws, orders, regulations, and permits.

(b) Nothing in this section shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to dangerous waste management and disposal.

(c) All grants under this section shall be subject to all existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

(4) Definitions. As used in this section:

(a) "Citizen/proponent negotiations (CPN)" means a communication process, as specified in these regulations and associated guidelines, between the proponent of a dangerous waste management facility and potentially affected citizens, to reach an agreement when there are shared and opposing interests.

(b) "Designated zone facility" means any facility that requires an interim or final status permit, located in a land use zone designated for handling hazardous substances and hazardous waste, and is not a preempted facility as defined in this section.

(c) "Environmental impact statement (EIS)" means an environmental document prepared according to the State Environmental Policy Act (SEPA), that provides decision makers and the public with an impartial discussion of probable significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid impacts, minimize adverse impacts, or enhance environmental quality.

(d) "Existing facility," as defined by WAC 173-303-281, means a facility for which an interim or final status permit has been issued by the department pursuant to WAC 173-303-805 or 173-303-806.

(e) "Expansion," as defined by WAC 173-303-281, means the enlargement of the land surface area of an existing facility from that described in an interim status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Facilitator" means one who assists at a meeting or group discussion.

(g) "Grant applicant" means the lead local government requesting a citizen/proponent negotiations grant.

(h) "Lead local government" means the city or county in which all or a majority of the proposed dangerous waste management facility would be located, unless the lead local government is a proponent of the project.

(i) "Local negotiating committee" means a committee, appointed by the lead local government, whose membership consists of broad representation from city and county government, citizen groups, academia, business, industry, Indian tribes, and environmental groups potentially affected by the siting of a dangerous waste management facility.

(j) "Mediator" means a neutral person who is accepted voluntarily by opposing parties in a dispute to assist in reaching a settlement.

(k) "Notice of intent," as specified in WAC 173-303-281, means the notice provided by the owner/operator of a facility to the department, local communities, and the public stating that the siting of a dangerous waste management facility, or the expansion of an existing facility, is being considered.

(l) "Neutral convener" means a nonpartisan person hired by the lead local government to convene and preside over the official public meeting.

(m) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill, (ii) incineration, (iii) land treatment, (iv) surface impoundment to be closed as a landfill, or (v) waste pile to be closed as a landfill.

Local jurisdictions who fail to establish designated land use zones for handling hazardous substances and hazardous waste within eighteen months after the enactment of siting criteria in accordance with RCW 70.105-.210 shall be subject to preemptive provisions until such time as zone designations are completed and approved by the department.

(n) "Potentially affected area" means the area within a twenty-mile radius of a proposed dangerous waste management facility or a proposed expansion to an existing facility or, any area of impact larger or smaller than the twenty-mile radius as determined by the department.

(o) "Proponent" means any person applying to the department for a dangerous waste management facility permit or for the expansion of an existing permit under WAC 173-303-805 or 173-303-806.

(p) "Proposed facility" means a facility that does not have interim or final status on the effective date of this

section, and for which the owner/operator applies for an interim or final status permit under WAC 173-303-805 or 173-303-806 after the effective date of this section.

(q) "SEPA" means the State Environmental Policy Act, chapter 43.21C RCW, and SEPA rules, chapter 197-11 WAC.

(5) Citizen/proponent negotiations procedures.

(a) Notice of intent. A proponent for a dangerous waste management facility must apply to the department for a dangerous waste management facility permit or for the expansion of an existing permit. In compliance with WAC 173-303-281, the proponent shall submit a notice of intent to the department no less than one hundred fifty days prior to filing an application for a permit or permit revision.

(b) Notice letter.

(i) Within fourteen days of receipt of the notice of intent, the department shall send, by registered mail, a copy of the notice of intent, a copy of the CPN regulation, associated guidelines, and a CPN grant application to the elected officials of the lead local government and all local governments within the potentially affected area.

(ii) The notice letter will alert all communities within the potentially affected area that a notice of intent to file was submitted to the department, the availability of a CPN grant, the procedures for applying for a CPN grant, and the procedures for conducting the CPN process.

(iii) Within thirty days of the effective date of this section, the department shall send, by registered mail, a notice letter to all local governments potentially affected by facilities for which the department has already received a permit application. The notice letter shall contain a copy of the CPN regulation, associated guidelines, and a CPN grant application.

(iv) If the lead local government is also a proponent of the facility, responsibility for CPN shall be deferred to a committee comprised of representatives from all incorporated cities and towns, and all the counties in the potentially affected area. This committee shall decide, among the government entities represented, who will be the lead local government for the purposes of applying for and administering the CPN grant and selecting members to the negotiating committee as set forth in subsection (6) of this section.

(c) Selection of the neutral convener. Within sixty days of the notice letter, the lead local government and the facility proponent shall jointly select a neutral convener, facilitator, or mediator to organize and preside over an official public meeting, assist in selecting the local negotiating committee, and mediate citizen/proponent negotiations.

(d) The public meeting. The purpose of the public meeting shall be:

(i) To advise local citizens within the potentially affected area of the CPN procedures, the State Environmental Policy Act (SEPA) requirements, and the dangerous waste management permit process;

(ii) To allow the proponent to present elements of the proposal;

(iii) To take public testimony on whether to agree to participate in the CPN process.

(e) Expenditures by the lead local government for the initial costs of the neutral convener and the official public meeting shall be reimbursed by the department through an interagency agreement with the lead local government.

(f) Decision notice. Within forty-five days of the public meeting the lead local government shall decide whether to proceed with the negotiations process. The lead local government shall forward notice of that decision to the department and the proponent of the facility. Notice to the department of an affirmative decision may include a completed grant application for financial assistance. If the lead local government decides to participate in the negotiations process for preempted facilities, then the proponent shall be required to participate. Citizen/proponent negotiations at designated zone facilities will be voluntary for both parties.

(g) Appointment of local negotiating committee. Within thirty days of the decision notice to proceed with CPN, the lead local government and local governments within the potentially affected area shall appoint members to a local negotiating committee, as set forth in subsection (6) of this section, and mail notice of those appointments to the department and to the facility proponent.

(h) Organizational meeting. Within twenty-one days of the committee appointments, the committee shall hold an organizational meeting to establish the committee goals, set schedules, identify tasks, discuss funding, and identify issues to research.

(i) Negotiations process. The negotiations process may occur in two stages.

(i) Stage 1. Within thirty days of the organizational meeting, the local negotiating committee, with the assistance of the neutral convener, shall initiate negotiations and public information and education activities. The local negotiating committee shall have one hundred twenty days, or until completion of the SEPA process, to conduct public information and education activities on dangerous waste management and dangerous waste management facilities and to negotiate emerging issues and concerns.

(ii) Stage 2. Upon completion of the SEPA process, with the assistance of the neutral convener, the local negotiating committee may continue formal negotiations. If no environmental impact statement is required as part of the SEPA process, the local negotiating committee may negotiate for up to one hundred twenty days. If an environmental impact statement is required as part of the SEPA process, negotiations may take place until one hundred twenty days after the issuance of the final environmental impact statement. Upon completion of formal negotiations, all agreements should be submitted to the department for review for applicability to the operating permit.

(iii) Negotiations should focus on the mitigation of impacts identified by persons in the affected area and those impacts identified during the SEPA process, which may include but are not limited to:

(A) Technical aspects of the facility proposal;

- (B) Emergency response;
 - (C) Economic impacts;
 - (D) Management of the facility;
 - (E) Site characteristics;
 - (F) Transportation;
 - (G) Compliance assurance.
- (iv) During each stage of the negotiations process, the committee shall, at a minimum:
- (A) Arrange public forums at key points in the negotiations to solicit input from the local community and provide public education regarding the issues and elements of the proposed facility or facility expansion.
 - (B) Arrange smaller community gatherings with the whole committee or subgroups of the committee to supplement the larger meetings and to provide more opportunities for discussion with community members.
 - (C) Meet with key community leaders to solicit information and opinion.
 - (D) Prepare a draft of the completed local negotiating committee report and agreements. The draft shall be submitted for review and comment to the proponent and local county, city, and town officials who made the committee appointments.
 - (E) Prepare the final local negotiating committee report and agreements. Final copies shall be submitted to the department and distributed to the proponent and local county, city, and town officials who made the committee appointments.
- (v) Negotiations may be reopened upon agreement by both parties as long as a draft permit has not been issued.
- (j) Agreements. Any specific agreement reached between the local negotiating committee and the proponent, deemed valid and applicable by the department, may be incorporated in the operating permit issued by the department. Any agreements not applicable to the operating permit may be implemented by the proponent and local communities through a contract or other legal means.
- (6) Local negotiating committee.
- (a) Appointments to the local negotiating committee shall be made as follows:
- (i) Four members shall be appointed by the lead local government.

If the lead local government is the county, committee appointments will be made by the county executive in charter counties or the board of county commissioners. If the lead local government is an incorporated town or city, committee appointments will be made by the mayor.
 - (ii) The mayor of each incorporated city or town in the potentially affected area, that is not a lead local government, shall appoint one member to the committee.
 - (iii) The county executive or the board of county commissioners of each county in the potentially affected area, that is not a lead local government, shall appoint one member to the committee.
 - (iv) Each federally-recognized Indian tribe located in the potentially affected area shall appoint one member to the committee.
 - (v) If all or the majority of a facility is located wholly within city limits, the board of county commissioners or

county executive of the potentially affected county shall appoint two members to the citizen negotiating committee. If the facility is located wholly within the county, these appointments will not be made.

(b) Local negotiating committees shall have broad representation including but not limited to representation from academia, business and industry, citizen organizations, environmental groups, agricultural groups, health professionals, emergency response organizations, and fire districts.

(c) After the initial committee appointments are made, the neutral convener shall assess the group representation and determine which interest groups are not represented. The committee, with the aid of the neutral convener, will then select up to four additional members to serve on the local negotiating committee. These selections shall be made from interest groups not already represented on the negotiating committee.

(d) Elected officials will not be members of the local negotiating committee.

(7) Modified CPN procedures. Modified CPN procedures shall apply to lead local governments who are also proponents of a dangerous waste management facility.

(a) Notice letter. Within fourteen days of the notice of intent or thirty days of the effective date of this section, the department shall notify all local governments in the potentially affected area of applications for proposed facilities or expansions of existing facilities and of the opportunity for formal negotiations under CPN and the availability of a CPN grant.

(b) Decision notice. The local governments shall have forty-five days to form a committee to:

- (i) Determine whether they wish to participate in CPN;
- (ii) Determine who will be the lead local government;
- (iii) Select a neutral convener, facilitator, or mediator;
- (iv) Notify the department and the proponent of those decisions; and

(v) Complete a grant application for financial assistance if a decision is made to proceed with CPN.

(c) Once the lead local government is determined, modified CPN procedures shall follow CPN procedures set forth in subsections (5)(d) through (6)(d) of this section.

(8) Grant eligibility and eligible activities.

(a) Grant applicant eligibility and eligible activities shall be the same for CPN and modified CPN.

(b) Grant applicant eligibility. Grants up to fifty thousand dollars shall be awarded to the lead local government and may be renewed once during the permitting process.

(c) Eligible costs. Eligible costs include direct costs of the activities of the negotiating process. These costs include:

(i) The local committee's expenses such as travel, office space or lodging, supplies, postage, report production costs, and meeting room costs;

(ii) Neutral convener's, facilitator's, or mediator's fees and expenses;

(iii) Technical assistance for the committee; and

(iv) Other costs determined necessary by the department.

(d) *Ineligible costs.* Grant funds may not be used by the grant applicant to support legal actions against the department, or facility owners/operators.

(9) *Grant administration and funding.*

(a) A grant application package will be sent to the lead local government with the notice letter. Grant application packages include grant application deadlines, grant guidelines, and application forms.

(b) Completed grant applications will be reviewed by the department. To receive a grant offer, successful applications must include all required elements as outlined in the guidelines.

(c) The obligation of the department to make grant awards and payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the appropriation of funds during the next biennium.

(d) The department shall fund up to fifty percent of the total grant amount or up to fifty thousand dollars for citizen/proponent negotiations and the proponent of a dangerous waste management facility shall fund up to fifty percent of the total grant amount or up to fifty thousand dollars.

(e) *Disbursement of funds.* The department shall be responsible for reimbursement of all eligible CPN costs incurred. The proponent shall enter into a contract with the department for the proponent's share of the CPN grant. The department will be responsible for all eligible CPN costs incurred before the decision notice and its share of any eligible CPN costs incurred after the decision notice, up to fifty thousand dollars. The proponent shall be responsible for its share of all remaining eligible CPN costs incurred after the decision notice and after an executed grant award is made to the lead local government, up to fifty thousand dollars.

(f) The department, on at least a biennial basis, will determine the amount of funding available for citizen/proponent negotiation grants.

(g) All grantees shall be held responsible for payment of salaries, consultant's fees, and other overhead costs contracted under a grant awarded to the lead local government.

(h) To the extent that the Constitution and laws of the state of Washington permit, the grantee shall indemnify and hold the department harmless from and against, any liability for any or all injuries to persons or property arising from the negligent act or omission of the grantee arising out of a grant contract, except for such damage, claim, or liability resulting from the negligent act or omission of the department.

(i) All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grant Management" WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

WSR 89-19-031

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 14, 1989, 10:53 a.m.]

Original Notice.

Title of Rule: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Purpose: Defines annual procedures that the Superintendent of Public Instruction shall use to determine for each school district: The maximum dollar amount that may be levied for maintenance and operation; and state matching to be allocated to eligible school districts.

Statutory Authority for Adoption: RCW 28A.41.170 and 84.52.0531(10).

Statute Being Implemented: RCW 84.52.0531(10).

Summary: See Purpose above.

Reasons Supporting Proposal: Update rules to bring in compliance with RCW 84.52.0531(10).

Name of Agency Personnel Responsible for Drafting: Richard Michael Wilson; Implementation: Robert Schley; and Enforcement: Dr. David Moberly.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, Olympia, Washington, on October 27, 1989, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, by October 25, 1989.

Date of Intended Adoption: October 27, 1989.

September 11, 1989

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-005 PURPOSES. The purposes of this chapter are to define the annual procedures that the superintendent of public instruction shall use to determine for each school district:

(1) ~~((To establish the exclusive means for fixing the maximum dollar amount which may be levied on behalf of any school district in calendar year 1988 for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531;~~

~~(2) To establish the exclusive means for fixing:~~

~~(a)) The maximum dollar amount which may be levied on its behalf ((of any school district in a given calendar year, beginning in calendar year 1989 and thereafter;)) for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and~~

~~((b) The maximum possible amount of state general fund moneys an eligible school district may receive in a given calendar year, beginning in 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.; and~~

~~(3) To establish the exclusive means for fixing the dollar amount of state general fund moneys that each eligible school district shall receive in a given calendar year, beginning in calendar year 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.)) (2) The local effort assistance to be allocated to it pursuant to RCW 28A.41.155.~~

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-007 ORGANIZATION OF THIS CHAPTER. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

- Sections 001-099 General provisions and definitions.
- Sections 100-299 Definitions for excess levy authority.
- Sections 300-399 Determination of excess levy authority.
- Sections 600-649 Definitions for local effort assistance.
- Sections ~~((650))~~ 660-699 Determination of local effort assistance.
- Section 900 Notification provisions.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-055 DEFINITION—CALENDAR YEAR. As used in this chapter(:

~~(+))~~, the term "calendar year" means the period commencing on January 1 ~~((through))~~ and ending on December 31.

~~((2))~~ The term "calendar year" is synonymous with the statutory terms "tax collection year" and "levy collection year" as used in RCW 84.52.0531 and chapter 2, Laws of 1987 1st ex. sess.))

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-105 DEFINITION—EXCESS LEVY AUTHORITY. As used in this chapter, the term "excess levy authority" means the maximum allowed dollar amount of a school district's certified excess levy for a given calendar year as determined pursuant to this chapter.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-110 DEFINITION—REPORT 1191. As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a school district's basic education allocation included in the excess levy base pursuant to WAC 392-139-310 (2)(a) is taken from this report.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-115 DEFINITION—BASIC EDUCATION ALLOCATION. As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, and 28A.41.140, chapter 392-121 WAC, and the Biennial Operating Appropriations Act. The amount of a school district's total guaranteed entitlement plus substitute teacher and skills center summer program funding as reported on the August Report 1191 is considered a school district's basic education allocation in determining the school district's excess levy base pursuant to WAC 392-139-310.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-120 DEFINITION—4121 EDUCATION OF HANDICAPPED CHILDREN. As used in this chapter, "4121 Education of handicapped children" means the school district general fund revenue account in which is recorded revenue for a program for education of handicapped children pursuant to chapter 28A.13 RCW, RCW 28A.41.053, chapter 392-171 WAC and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-122 DEFINITION—4155 ~~((REMEDIATION))~~ LEARNING ASSISTANCE PROGRAM. As used in this chapter, "4155 ~~((Remediation))~~ Learning assistance program" means the school district general fund revenue account in which is recorded revenue for a ~~((remedial))~~ learning assistance program pursuant to RCW ~~((28A.41.400 through 28A.41.414))~~ 28A.120.010 through 28A.120.026, chapter 392-162 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-126 DEFINITION—4165 TRANSITIONAL BILINGUAL. As used in this chapter, "4165 Transitional bilingual" means the school district general fund revenue account in which is recorded revenue for a transitional bilingual instruction program pursuant to RCW 28A.58.800 and 28A.58.810, chapter 392-160 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-128 DEFINITION—4174 ~~((GIFTED AND TALENTED))~~ HIGHLY CAPABLE. As used in this chapter, "4174 ~~((Gifted and talented))~~ Highly capable" means the school district general fund revenue account in which is recorded revenue for a program for ~~((gifted and talented))~~ highly capable students, pursuant to chapter 28A.16 RCW, chapter 392-170 WAC, and the Biennial Operating Appropriations Act.

NEW SECTION

WAC 392-139-129 DEFINITION—4175 LOCAL EDUCATION PROGRAM ENHANCEMENT. As used in this chapter, "4175 Local education program enhancement" means the school district general fund revenue account in which is recorded revenue for local education program enhancement pursuant to chapter 392-140 WAC and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-132 DEFINITION—4199 TRANSPORTATION—OPERATIONS. As used in this chapter, "4199 Transportation—Operations" means the school district general fund revenue account in which is recorded revenue for reimbursement for operation of a student transportation program pursuant to RCW 28A.41.505, 28A.24.055, and 28A.24.100, chapter 392-141 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-134 DEFINITION—4499 TRANSPORTATION REIMBURSEMENT—DEPRECIATION. As used in this chapter, "4499 Transportation reimbursement—Depreciation" means the school district transportation vehicle fund revenue account in which is recorded revenue for replacement or depreciation of transportation equipment pursuant to RCW 28A.41.540, chapter ~~((392-141))~~ 392-142 WAC, and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-156 DEFINITION—6127 HANDICAPPED, DEINSTITUTIONALIZED. As used in this chapter, "6127 Handicapped EHA, supplemental Part B" means the school district general fund ~~((school districts to assist them in providing a free and appropriate public education to all))~~ revenue account in which is recorded revenue from federal supplemental funds for deinstitutionalized children.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-162 DEFINITION—6151 REMEDIATION, ~~((ECHA))~~ ESSIA, CHAPTER 1. As used in this chapter, "6151 Remediation, ~~((ECHA))~~ ESSIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under chapter 1 of the Elementary and Secondary School Improvement Act (ESSIA) received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-164 DEFINITION—6153 MIGRANT, ~~((ECHA))~~ ESSIA, CHAPTER 1. As used in this chapter, "6153 Migrant, ~~((ECHA))~~ ESSIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under chapter 1 of the Elementary and Secondary School Improvement Act (ESSIA) arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-172 DEFINITION—6176 INSTRUCTIONAL AID, ~~((ECHA))~~ ESSIA, CHAPTER 2. As used in this chapter, "6176 Instructional aid, ~~((ECHA))~~ ESSIA, chapter 2" means the school district general fund revenue account in which are recorded federal revenues authorized under chapter 2 of the ~~((Education Consolidation and Improvement Act (ECHA)))~~ Elementary and Secondary School Improvement Act (ESSIA) and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-205 DEFINITION—F-195. As used in this chapter, "F-195" means the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. ~~The ((amount of))~~ federal revenues reported on a school district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-215 DEFINITION—P-223H. As used in this chapter, "P-223H" means the form ~~((entitled monthly report of school district's handicapped enrollment. P-223H forms are))~~ printed ~~((and distributed annually))~~ by the superintendent of public instruction and distributed annually to all school districts for reporting of handicapped students pursuant to chapter 28A.13 RCW. ((School districts used the P-223H to report nonresident enrollments of handicapped students in programs approved pursuant to chapter 392-135 WAC as interdistrict cooperative programs. Enrollments reported on the P-223H are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340 when the reporting district is not required to complete form 1067.))

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-225 DEFINITION—FORM 1067. As used in this chapter, "Form 1067" means the form entitled special education interdistrict cooperative enrollment ~~((annual average full-time equivalent enrollment))~~. Form 1067 is printed and distributed annually by the superintendent of public instruction to school districts that have special education cooperatives. School districts use form 1067 to report AAFTE students residing in another school district and enrolled in a program for education of handicapped children established as an interdistrict cooperative program pursuant to chapter 392-135 WAC. Enrollments from this report are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-230 DEFINITION—P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh school districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from non-high school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to non-high school districts pursuant to WAC 392-139-330 and 392-139-340.

NEW SECTION

WAC 329-139-243 DEFINITION—LEVY REDUCTION FUNDS—CALENDAR YEAR 1989. Notwithstanding the definition of levy reduction funds in WAC 392-139-245, as used in this chapter, "levy reduction funds" as applied to calendar year 1989 means the basic education allocation for the 1988-89 school year of certificated instructional staff salaries, benefits, and nonemployee related costs for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-245 DEFINITION—LEVY REDUCTION FUNDS. As used in this chapter, "levy reduction funds" means the increases in state allocations to a school district ~~((determined as follows))~~ from the prior school year for programs included under WAC 392-139-310:

(1) ~~((For calendar year 1988, the following basic education allocations for the 1987-88 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds:~~

(a) ~~Salaries and benefits for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade; and~~

(b) ~~Nonemployee related costs for two additional certificated instructional staff units for each one thousand AAFTE students in kindergarten through third grade.~~

(2) ~~For calendar year 1989, the following basic education allocations for the 1988-89 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds: Salaries, benefits, and nonemployee related costs for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade.)) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and~~

(2) That are or were specifically identified as levy reduction funds in the Biennial Operating Appropriations Act in effect at the time of calculations performed pursuant to this chapter.

NEW SECTION

WAC 392-139-297 GENERAL PROCEDURES. All processes, calculations, and procedures used by the superintendent of public instruction in the administration of this chapter shall be conditioned on the following:

(1) Only data collected and approved by the superintendent of public instruction shall be used.

(2) All calculations, except those related to levy reduction funds, that are dependent on data which are not final at the time the calculation is performed shall be based on estimates prepared by the superintendent of public instruction.

(3) The calculation of levy reduction funds dependent on data that is not final at the time of the calculation will be calculated using prior school year data.

(4) The following rounding procedures shall be used:

- (a) Dollars to the nearest whole;
- (b) Student enrollments to the nearest two decimal places;
- (c) Percentages to the nearest two decimal places;
- (d) Ratios to the nearest three decimal places; and
- (e) Levy rates to the nearest six decimal places.

(5) The superintendent of public instruction shall provide each school district by August 31st of each year with the appropriate procedures for all calculations performed in this chapter.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-300 ESTABLISHMENT OF EXCESS LEVY AUTHORITY FOR SCHOOL DISTRICTS—GENERAL. ~~((Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053;))~~ The maximum dollar amount of any school district's certified excess levy for any given calendar year ~~((beginning with 1988))~~ shall equal the excess levy authority established by the superintendent of public instruction ~~((in accordance with the following procedures))~~ as follows:

(1) ~~((Only figures and data gathered and approved by the superintendent of public instruction shall be used:~~

~~(2) Each district's excess levy authority shall be determined as follows:~~

~~(a))~~ Multiply the school district's excess levy base determined pursuant to WAC 392-139-310 by the school district's maximum excess levy percentage determined pursuant to WAC 392-139-320;

~~((b))~~ (2) Adjust the result obtained in subsection (1) of this section by the amount of the school district's excess levy authority ~~((for))~~ transfers determined pursuant to WAC 392-139-330 and 392-139-340; and

~~((c))~~ (3) Subtract the school district's maximum local effort assistance determined pursuant to WAC 392-139-660.

~~((3) If excess levy authority calculations made pursuant to this chapter are dependent on factors which are not finalized at the time of the calculations, the superintendent of public instruction shall base the calculations on estimates at the time of the calculations.~~

~~(4) In calculations of excess levy authority performed pursuant to this chapter, dollars shall be rounded to the nearest whole dollar, student enrollments shall be rounded to two decimal places, ratios shall be rounded to four decimal places, and percentages shall be rounded to two decimal places.~~

~~(5) The superintendent of public instruction shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.)~~

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-310 DETERMINATION OF EXCESS LEVY BASE. ~~((In calendar year 1987 and each year thereafter;))~~ The superintendent of public instruction shall calculate each school district's excess levy base ~~((to be used in establishing the district's excess levy authority for the next calendar year;))~~ as follows:

(1) ~~((The dollar amount of each school district's excess levy base equals the sum of))~~ Sum the following state and federal allocations ~~((identified in subsection (2) of this section increased by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.~~

~~(2) Each district's excess levy base includes the following state and federal allocations for the district))~~ for the prior school year:

(a) The ~~((district's))~~ basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The ~~((district's))~~ state and federal categorical allocations for the following ~~((programs))~~:

(i) Pupil transportation. Allocations for pupil transportation include allocations for ~~((programs identified by))~~ the following accounts:

4199 Transportation - operations; and
4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for ~~((programs identified by))~~ the following accounts:

4121 Education of handicapped children;
6124 Handicapped supplemental, EHA, Part B; and
6127 Handicapped deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations ~~((for program))~~ identified by account 4174 ~~((Gifted and talented))~~ Highly capable.

(iv) Compensatory education ~~((, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education)).~~ Allocations for compensatory education include allocations ~~((for programs))~~ identified by the following accounts:

4155 ~~((Remediation))~~ Learning assistance program;
4165 Transitional bilingual;
6151 Remediation, ~~((ECTA))~~ ESSIA, chapter 1;
6153 Migrant, ~~((ECTA))~~ ESSIA, chapter 1;
6162 Refugee programs;
6164 Bilingual, Title VII, P.L. 95-561 (SPI);
6167 Indian education, JOM;
6264 Bilingual, Title VII, P.L. 95-561 (direct); and
6268 Indian education, P.L. 92-318.

(v) Food services. Allocations for food services include allocations ~~((for programs))~~ identified by the following accounts:

4198 School food services (state);
6198 School food services (federal); and
6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations ~~((for programs))~~ identified ~~((as))~~ by the following accounts:

4175 Local education program enhancement; and
6176 Instructional aid, ~~((ECTA))~~ ESSIA, chapter 2.

(c) ~~((The district's federal))~~ General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct grants, unassigned;
6100 Special purpose, SPI, unassigned;
6138 Secondary vocational education, P.L. 98-524;
6146 Skills center;
6177 Mathematics and science;
6200 Direct special purpose grants; and
6246 Skills center, direct federal grant.

~~(2) Multiply the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.~~

~~(3) Revenue accounts referenced in subsection ((2)) (1) of this section are from the September ((1986)) 1989 accounting manual for public school districts in the state of Washington ((as revised September 1987. Revenues for programs identified by these account numbers and titles shall continue to qualify for inclusion in the excess levy base regardless of changes in account numbers or titles)).~~

~~(4) ((For the purpose of administration of this chapter;)) The dollar amount of revenues for ((programs)) state and federal categorical allocations identified in ((subsection (2)(b) and (c) of)) this section shall ~~((be derived))~~ come from the following sources:~~

~~(a) ((Program revenues which are reported on the August Report 1197 for the prior school year are taken from that report. The amount of revenue included in the levy base equals the amount of the annual allotment due (Report 1197, column A;)) The following state and federal categorical allocations are taken from the Report 1197 ((include the following)) Column A (Annual Allotment Due):~~

4121 Education of handicapped children;
4155 ~~((Remediation))~~ Learning assistance program;
4165 Transitional bilingual;
4174 ~~((Gifted and talented))~~ Highly capable;
4175 Local education program enhancement;
4198 School food services (state);
4199 Transportation - operations;
4499 Transportation reimbursement - depreciation;
6124 Handicapped supplemental, EHA, part B;
6127 Handicapped deinstitutionalized;
6138 Secondary vocational education, P.L. 98-524;
6146 Skills center;
6151 Remediation, ~~((ECTA))~~ ESSIA, chapter 1;
6153 Migrant, ~~((ECTA))~~ ESSIA, chapter 1;
6162 Refugee programs;
6176 Instructional aid, ~~((ECTA))~~ ESSIA, chapter 2;
6177 Mathematics and science; and
6198 School food services (federal).

~~(b) ((Program revenues which are not reported on the August Report 1197 of the prior school year are taken from the F-195, school district budget, for the prior school year. Allocations)) The following state and federal allocations are taken from the F-195 ((include the following)):~~

5200 General purpose direct grants, unassigned;
6100 Special purpose, SPI, unassigned;
6164 Bilingual, Title VII, P.L. 95-561 (SPI);
6167 Indian education, JOM;
6200 Direct special purpose grants;
6246 Skills center, direct federal grant;
6264 Bilingual, Title VII, P.L. 95-561 (direct);
6268 Indian education, P.L. 92-318; and
6998 USDA commodities.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-320 DETERMINATION OF MAXIMUM EXCESS LEVY PERCENTAGE. ~~((In calendar year 1987 and each year thereafter;))~~ The superintendent of public instruction shall calculate each school district's maximum excess levy percentage for the next calendar year as ~~((provided in this section.~~

~~(1) For excess levy collections in calendar year 1988 each district's maximum excess levy percentage shall be the greater of twenty percent or the percentage calculated as follows:~~

~~(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the district's base year levy percentage determined pursuant to WAC 392-139-240;~~

~~(b) Subtract the district's levy reduction funds for the calendar year of the levy pursuant to WAC 392-139-245; and~~

~~(c) Divide the result by the district's excess levy base.~~

~~(2) For excess levy collections in calendar year 1989 and thereafter each district's maximum excess levy percentage shall be)) the greater of twenty percent or the percentage calculated as follows:~~

~~((a)) (1) Multiply the district's excess levy base determined pursuant to WAC 392-139-310(;) by~~

~~((b) The lesser of thirty percent or)) the school district's maximum excess levy percentage for the current calendar year;~~

~~((c))~~ (2) Subtract from the result obtained in subsection (1) of this section the school district's levy reduction funds for the year of the levy (~~(determined pursuant to WAC 392-139-245)~~); and
~~((d))~~ (3) Divide the result obtained in subsection (2) of this section by the school district's excess levy base.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-330 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FOR INTERDISTRICT COOPERATION PROGRAMS. ~~((In calendar year 1987 and each year thereafter;))~~ The superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

(1) Determine the serving district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustment for transfers of excess levy authority pursuant to this section and WAC 392-139-340;

(2) Divide the result by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191; and

(3) Multiply the result by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on forms P-223NR, and P-223H or 1067.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-340 DETERMINATION OF EXCESS LEVY AUTHORITY TRANSFERS FROM HIGH SCHOOL DISTRICTS TO NONHIGH SCHOOL DISTRICTS. ~~((In calendar year 1987 and each year thereafter;))~~ The superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

(1) The estimated excess levy authority transfer for the current school year is determined as follows:

(a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of excess levy authority pursuant to this section and WAC 392-139-330;

(b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.44 RCW as reported on form P-213.

(2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:

(a) Determine the high school district's certified excess levy for the current calendar year;

(b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC 392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213, P-223NR, and P-223H or 1067; and

(c) Multiply the result by the number of AAFTE students determined as follows:

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter 28A.44 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.44 RCW as reported on form P-213 for the prior calendar year.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-605 DEFINITION—DISTRICT TEN PERCENT LEVY AMOUNT. As used in this chapter, "district ten percent levy amount" means the dollar amount determined for each school district as follows:

(1) Perform the calculations pursuant to WAC 392-139-300 ~~(1) and (2) ((a) and (b))~~ to arrive at the school district excess levy authority after excess levy authority transfers but before subtracting maximum local effort assistance;

(2) Divide the result by the school district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and

(3) Multiply the result by ten percent.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-620 DEFINITION—ELIGIBLE DISTRICT. As used in this chapter, "eligible school district" means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-660 DETERMINATION OF MAXIMUM LOCAL EFFORT ASSISTANCE. ~~((In calendar year 1988 and each year thereafter;))~~ The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for the next calendar year ~~((as provided in this section;))~~ as follows:

(1) ~~((Maximum local effort assistance shall be calculated as follows: (a))~~ Subtract the state-wide average ten percent levy rate for the next calendar year from the district ten percent levy rate for the next calendar year;

~~((b))~~ (2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate for the next calendar year; and

~~((c))~~ (3) Multiply the result obtained in subsection (2) of this section by the district ten percent levy amount for the next calendar year.

~~((2) Notwithstanding subsection (1) of this section maximum local effort assistance for calendar year 1989 is reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. Maximum local effort assistance for 1989 calculated pursuant to this subsection shall be based on the superintendent of public instruction's September estimate of the percentage of full funding for local effort assistance in 1989. Maximum local effort assistance calculated pursuant to this subsection shall be for the purpose of reducing excess levy authority determined pursuant to this chapter and shall not be construed to limit the actual amount of a district's local effort assistance allocations determined pursuant to WAC 392-139-670. Maximum local effort assistance for each eligible district for calendar year 1989 shall be determined as follows:~~

~~(a) Calculate fifty-five percent of the district's maximum local effort assistance pursuant to subsection (1) of this section;~~

~~(b) Multiply the result by the proration percentage determined as follows:~~

~~(i) Divide five million dollars by;~~

~~(ii) Fifty-five percent of the estimated total amount of local effort assistance allocations to all eligible school districts for calendar year 1989 using the superintendent of public instruction's estimate of certified excess levies for 1989 based on voter approved excess levies and excess levies planned for 1989; and~~

~~(c) Add to the result of subsection (2)(b) of this section an amount equal to forty-five percent of the district's maximum local effort assistance calculated pursuant to subsection (1) of this section;))~~

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-665 REPORTING OF CERTIFIED EXCESS LEVY AMOUNTS. No later than the third Wednesday in December

of ~~((1988 and))~~ each year ~~((thereafter))~~, each educational service district shall report to the superintendent of public instruction the certified excess levies for the next calendar for school districts in the educational service district. Such report shall include copies of the documents used to certify excess levies to the board or boards of county commissioners pursuant to RCW 84.52.020.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-670 LOCAL EFFORT ASSISTANCE ALLOCATIONS. ~~((In calendar year 1989 and each year thereafter,))~~ The superintendent of public instruction shall ~~((allocate))~~ calculate each eligible school district's local effort assistance ~~((to each eligible district as provided in this section:))~~ entitlement as the lesser of the following amounts:

(1) ~~((The dollar amount of local effort assistance allocated to each eligible district for the calendar year shall equal the lesser of the following amounts:~~

(a)) The school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or

~~((b))~~ (2) The school district's maximum local effort assistance for the calendar year calculated pursuant to WAC 392-139-660~~((+))~~.

~~((2))~~ The superintendent of public instruction shall allocate local effort assistance due to each eligible district fifty-five percent on or before June 30 and the remaining forty-five percent on or before December 31. Allocations shall be made through monthly apportionment payments according to the following schedule:

January	10.5%	
February	10.5%	
March	10.5%	
April	10.5%	
May	6.5%	
June	6.5%	First six months 55%
July	8.5%	
August	8.5%	
September	7.5%	
October	7.5%	
November	5.5%	
December	7.5%	Second six months 45%
Total	100.0%	

(3) Notwithstanding subsections (1) and (2) of this section, the first six payments of local effort assistance in calendar year 1989 shall be reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. The first six local effort assistance payments to each eligible school district in calendar year 1989 shall equal the amount determined as follows:

(a) Calculate a proration percentage as follows:

(i) Divide five million dollars by;

(ii) Fifty-five percent of the total amount of local effort assistance allocations to all eligible districts for calendar year 1989 as determined pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts known at the time of the calculation;

(b) Determine the amount that the district would receive for local effort assistance pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts at the time of the calculation;

(c) Multiply the result of (b) of this subsection by the percentage of local effort assistance due for the month as shown on the schedule in subsection (2) of this section; and

(d) Multiply the result of (c) of this subsection by the proration percentage calculated in subsection (a) of this subsection:))

NEW SECTION

WAC 392-139-674 ALLOCATION OF LOCAL EFFORT ASSISTANCE FOR CALENDAR YEAR 1989. Notwithstanding WAC 392-139-675 the superintendent of public instruction shall reduce the first six monthly payments of each eligible school district's local effort

assistance entitlement for calendar year 1989 by multiplying the payments determined pursuant to WAC 392-139-675 by the following percentage:

(1) Divide five million dollars by;

(2) Fifty-five percent of the total local effort assistance entitlement for all eligible school districts for calendar year 1989.

NEW SECTION

WAC 392-139-675 ALLOCATION OF LOCAL EFFORT ASSISTANCE. The superintendent of public instruction shall allocate to each eligible school district its entitlement to local effort assistance according to the following schedule:

January	10.5%
February	10.5%
March	10.5%
April	10.5%
May	6.5%
June	6.5%
July	8.5%
August	8.5%
September	7.5%
October	7.5%
November	5.5%
December	7.5%

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-900 NOTIFICATION OF AMOUNTS CALCULATED. The superintendent of public instruction shall ~~((notify school districts))~~ provide notice of amounts calculated pursuant to this chapter as ~~((provided in this section:))~~ follows:

(1) Prior to ~~((October 7, 1987, the superintendent of public instruction shall notify each school district, and the county assessor, and chairman of the board of county commissioners of the county in which the district is headquartered of the results of calculations made for the district pursuant to this chapter for the 1988 calendar year including the following:~~

(a) Excess levy authority; and

(b) Maximum excess levy percentage;

(2) Prior to the first Wednesday following the first Monday in October of each year beginning in 1988) November 1 of each year, the superintendent of public instruction shall notify each school district ~~((and the county assessor and chairman of the board of county commissioners of the county in which the district is headquartered))~~ of the results of calculations made for the school district ~~((pursuant to this chapter))~~ for the next calendar year including the following:

(a) Excess levy authority;

(b) Maximum excess levy percentage;

(c) Eligibility for local effort assistance; and

(d) If eligible for local effort assistance:

(i) Maximum local effort assistance;

(ii) State matching ratio;

(iii) Certified excess levy necessary to qualify for maximum local effort assistance; and

(iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.

(2) Prior to November 15 of each year, the superintendent of public instruction shall notify the county assessor and chairman of the board of county commissioners of each county of excess levy authority for the next calendar year for those school districts headquartered in the county.

(3) At the time of the January apportionment payment ~~((in calendar year 1989 and))~~ each year ~~((thereafter))~~, the superintendent of public instruction shall notify each eligible school district of the amount of the school district's local effort assistance allocations for the year ~~((determined pursuant to WAC 392-139-670)).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-139-240 DEFINITION—BASE YEAR LEVY PERCENTAGE.

WAC 392-139-650 DETERMINATION OF LOCAL EFFORT ASSISTANCE—GENERAL.

WSR 89-19-032
PERMANENT RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Order 14—Filed September 14, 1989, 10:56 a.m.]

Date of Adoption: September 8, 1989.

Purpose: To set forth procedures and rules for granting annual excellence awards.

Citation of Existing Rules Affected by this Order: Amending WAC 392-202-003, 392-202-005, 392-202-010, 392-202-015, 392-202-070, 392-202-075, 392-202-080, 392-202-085, 392-202-095, 392-202-110 and 392-202-115.

Statutory Authority for Adoption: RCW 29A.03.532 [28A.03.532].

Pursuant to notice filed as WSR 89-16-014 on July 21, 1989.

Effective Date of Rule: Thirty days after filing.

September 11, 1989
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-003 AUTHORITY. The authority for this chapter is RCW 28A.03.532 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, administrators, superintendents, and school boards.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-005 PURPOSE. The purpose of this chapter is to set forth policies, selection, criteria, and administrative procedures for establishing an annual Washington award for excellence in education to teachers, principals, administrators, superintendents, and school boards.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-010 TEACHER—DEFINITION. As used in this chapter, the term "teacher" means ~~((a certificated person with classroom instructional responsibilities))~~ one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) An educational staff associate certified under chapter 180-75 WAC.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-015 PRINCIPAL/ADMINISTRATOR—DEFINITION. As used in this chapter, the term "principal/administrator" means ~~((a school building-level administrator))~~ one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) A person with supervisory responsibilities at the school building/central office level.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-070 SELECTION OF RECIPIENTS—((ELIGIBILITY)) ANNUAL RECOGNITION. ~~((Eligibility))~~ Annual recognition criteria are as follows:

~~(1) ((In order for teachers and principals to be eligible for nomination to receive this award for a particular congressional district, the teacher or principal shall be employed by a school district with its district superintendent's office located within the boundaries of the congressional district. The employee's home address shall not be considered in determining eligibility. A teacher or principal whose teaching or administrative duties encompass multiple grade levels or buildings or who works in a K-12 building may be nominated for any of the appropriate levels.~~

~~(2) Any local school district superintendent and any local school board of directors in Washington state shall be eligible to be nominated.~~

~~(3) A person nominated and selected to receive the award in a particular category shall subsequently be ineligible for nomination in that category, but shall be eligible to be nominated for the award in another category in any subsequent year.)~~ Five teachers from each congressional district of the state. One individual must be an elementary teacher, one must be a junior high or middle school level teacher, and one must be a secondary teacher;

(2) Five principals or administrators from each congressional district of the state;

(3) One school district superintendent from the state; and

(4) One school district board of directors from the state.

Not more than five teachers and five principals or administrators from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-075 SELECTION OF RECIPIENTS—NOMINATION. Nomination of persons shall be as follows:

(1) Any person may nominate a teacher, principal, administrator, superintendent, or school board for the award by submitting the form provided by the superintendent of public instruction for that purpose. The nomination form and information about the awards program shall be disseminated to the public, to educators, and to members of professional education associations through newsletters, bulletins, and other media which the superintendent of public instruction may deem appropriate.

(2) The nomination form shall include at a minimum:

- (a) The name of the person/board nominated.
- (b) The school building/district name and address where the person works.
- (c) The congressional district in which the district is located.

(d) The grade level and category, where appropriate, for which the nomination is made.

(e) The address to which the form should be returned and the date by which it must be received.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-080 SELECTION OF RECIPIENTS—APPLICATION. Selection of recipients shall require submission of an application as follows:

(1) Candidates nominated on forms provided by and returned to the superintendent of public instruction shall receive an application form from the superintendent of public instruction to be completed and returned if the candidate wishes to be considered for the award. The application shall be adapted to each category of award, — i.e., teacher, principal, or administrator, superintendent, and school board, — and shall require that the candidate provide evidence of leadership in, and contributions and commitment to educational excellence.

(2) Teacher award applications shall include recommendations from a superintendent, a community member, and a student or parent/guardian.

(3) Principal or administrator award applications shall include recommendations from a member of the staff in his or her building, a superintendent, and a student or parent or guardian.

(4) Superintendent award applications shall include recommendations from a community representative, chair of the school board, and a member of the school district staff.

(5) School board award applications shall include recommendations from the local education association president, the superintendent, and a representative of a parent support group.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-085 SELECTION OF RECIPIENTS—REVIEW COMMITTEE. Recipients shall be selected as follows:

(1) A committee composed of eighteen members representative of the eight congressional districts shall be appointed by the superintendent of public instruction to review applications and select the recipients for each category, grade level and congressional district using the criteria established in WAC 392-202-090. Committee members shall be:

(a) Six teachers, including representatives.

~~((b))~~ (c) Three principals or administrators including representatives of elementary, middle school or junior high, and senior high school.

~~((c))~~ (d) Three superintendents.

~~((d))~~ (e) Three school board members.

~~((e))~~ (f) Three principals including representatives of elementary, middle school or junior high, and senior high school.)

(e) Three currently active members of parent-teacher-student organizations.

(2) Prior to receipt of applications pursuant to WAC 392-202-080, the review committee shall establish a

final selection procedure consistent with this chapter that is fair, timely and provides for breaking ties in a predetermined, objective manner.

(3) Recipients shall be selected and awards presented no later than June 1 of each year.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-095 SELECTION CRITERIA—PRINCIPALS OR ADMINISTRATORS. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to principals as follows:

The Excellence in Education Award to principals shall require:

(1) Leadership evidenced by clear understanding of the wishes and needs of building staff, students, and community, and by fostering the progress of the school's educational program;

(2) Commitment evidenced by recent efforts to increase personal and professional effectiveness and to promote educational excellence in the community, state or nation; and

(3) Contributions such as curriculum development within the school and significant staff achievements fostered by the principal's or administrator's leadership.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-110 AWARDS FOR TEACHERS ~~((AND)), PRINCIPALS, AND ADMINISTRATORS.~~ The award for educational excellence for teachers ~~((and)), principals, and administrators~~ shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The recipients' choice of one of the following:

(a) A waiver of tuition and fees for one full academic year of study at any Washington state institution of higher education plus a stipend of not more than one thousand dollars to cover costs incurred in taking courses, or

(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

WAC 392-202-115 NOTIFICATION AND APPLICATION FOR AWARD—TEACHERS AND PRINCIPALS/ADMINISTRATORS. (1) The superintendent of public instruction shall notify the recipients that an election must be made in a timely fashion, including appropriate forms for making the election; and recipients shall notify the superintendent of public instruction in writing within one year of receipt of the award of the option they have chosen.

(2) Recipients shall apply for the educational grant within one year after receipt of the award and shall expend the funds provided under the grant within one year after submission of the application.

(3) Recipients choosing ~~((the waiver shall begin to use the))~~ waiver after January 1989 shall apply for the waiver and stipend within one year after receipt of the award and shall expend the funds provided under the waiver and stipend within three years after the receipt of the award.

WSR 89-19-033**NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD**

[Memorandum—September 14, 1989]

The Washington State Liquor Control Board will hold a special meeting in Yakima, Thursday, November 9, 1989, beginning at 9:30 a.m. at the Holiday Inn, 9 West 9th Street. The purpose of the meeting is to receive comments from Washington breweries and wineries of matters relating to the Liquor Control Board. While the primary purpose of this special meeting is to hear from the breweries and wineries, other interested persons are welcome to attend. Further information on the meeting is available by contacting either Janice Lee Britt, Supervisor of Manufacturers, Importers and Wholesalers, (206) 586-6701 or M. Carter Mitchell, Public Information Officer/Legislative Liaison, (206) 753-6276.

WSR 89-19-034**PROPOSED RULES****DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)**

[Filed September 15, 1989, 11:00 a.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration, Division of Savings and Loan, intends to adopt, amend, or repeal rules concerning credit union field of membership expansion.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 27, 1989.

This notice is connected to and continues the matter in Notice Nos. WSR 89-11-095 and 89-16-084 filed with the code reviser's office on May 24, 1989, and August 1, 1989.

Dated: September 15, 1989

By: Betty Reed
Supervisor**WSR 89-19-035****EMERGENCY RULES****DEPARTMENT OF WILDLIFE**

[Order 406—Filed September 15, 1989, 1:17 p.m.]

Date of Adoption: September 14, 1989.

Purpose: To add 200 antlerless only permits to the November 11-19 special muzzleloader deer permit hunt in GMU 239 (Chiliwist).

Statutory Authority for Adoption: RCW 77.12.150.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Two wildfires this summer in the Chiliwist area have adversely impacted winter range for deer. The director has found that a reduction in deer population will be necessary to prevent damage to habitat and private property.

Effective Date of Rule: Immediately.

September 14, 1989

John McGlenn

Chairman

Wildlife Commission

NEW SECTION

WAC 232-28-61801 AMENDMENT TO 1989 HUNTING SEASONS AND RULES — GMU 239 SPECIAL MUZZLELOADER DEER PERMIT HUNT Notwithstanding the provisions of WAC 232-28-218, 1989 Hunting Seasons and Rules, the November 11-19 special muzzleloader deer permit hunt in GMU 239 (Chiliwist) is modified to add 200 antlerless only permits.

WSR 89-19-036**PERMANENT RULES****INSURANCE COMMISSIONER**

[Order R 89-9—Filed September 15, 1989, 1:33 p.m.]

Date of Adoption: September 15, 1989.

Purpose: Exempting qualified program directors and instructors at Washington's publicly funded vocational-technical institutes from the insurance license requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 284-17-535 and 284-17-540.

Statutory Authority for Adoption: RCW 48.02.060.

Pursuant to notice filed as WSR 89-16-098 on August 2, 1989.

Effective Date of Rule: Thirty days after filing.

September 15, 1989

Dick Marquardt

Insurance Commissioner

By Roger Polzin

Deputy Commissioner

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

WAC 284-17-535 PROGRAM DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES. (1)

A program director's necessary qualifications are:

(a) At least five years of teaching experience and knowledge of insurance products, principles, and laws.

(i) Each independent provider's program director must possess and hold in good standing a Washington agent's or broker's license.

(ii) Each insurer provider's program director must possess such a license or comparable scholastic or professional credentials that the commissioner deems equivalent to such a license.

(iii) The requirements of (a)(i) and (ii) of this subsection shall not apply to program directors employed by approved providers governed by chapters 28B.19 and 28B.50 RCW, community colleges within Washington state; or to program directors employed by vocational-technical institutes governed by the superintendent of public instruction and the state board of education.

(b) An employment history involving administrative educational experience.

(c) Trustworthiness. A program director is untrustworthy if he or she has violated any statute or regulation pertaining to insurance, or to any other regulated occupation; or has had an occupational license revoked in any state; or has been convicted of a crime evidencing lack of fitness to assume fiduciary duties.

(2) Information on the program director which must be submitted to the commissioner includes the full disclosure of any regulatory or legal action involving the program director's professional or occupational activities.

(3) A program director's responsibilities include:

(a) Conducting a competent background investigation to ascertain that each instructor is trustworthy and qualified under WAC 284-17-537 and under WAC 284-17-540 or 284-17-545 for the line of insurance he or she has been designated to instruct; except that:

(i) In the event of an emergency created by the unavoidable absence of an approved instructor, the program director may appoint an interim instructor who was not previously certified and approved, to complete the current course offering, however:

(ii) The program director must immediately notify the commissioner of the nature of the emergency, the name of the interim instructor, and the date upon which the current course offering will conclude.

(iii) At the conclusion of the current course offering the program director and provider shall suspend operation of the affected course until an approved instructor is available to conduct the classes.

(b) Supervising each approved course and reviewing all completed student evaluations of the course; and

(c) Insuring that instructors properly issue certificates of completion according to WAC 284-17-539 to the students at the completion of each course.

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

WAC 284-17-540 REQUIREMENTS APPLICABLE TO INDEPENDENT PRELICENSE EDUCATION PROVIDERS. This section applies to all persons, other than insurers, offering life, disability, property, or casualty insurance courses to license applicants for purposes of satisfying the educational requirement prescribed by WAC 284-17-505 through 284-17-520.

(1) In addition to the general conditions for approval set out at WAC 284-17-530 through 284-17-539, and in addition to complying with the requirements of WAC 284-17-550, each noninsurer prelicense education provider shall:

(a) Describe any existing insurance education program:

(i) Class titles and curricula covered;

(ii) Number of students per course during previous year;

(iii) Name(s) and qualifications of instructor(s);

(iv) Name and qualifications of the person responsible for the previous program.

(b) Describe the changes necessary to bring any existing program into compliance with WAC 284-17-530 through 284-17-539, 284-17-550 and 284-17-551, and each applicable section of WAC 284-17-552 through 284-17-555.

(c) Reveal the provider's department of revenue registration number.

(2) To qualify a provider for the commissioner's approval, the provider's proposed program director must hold in good standing a valid Washington agent's or broker's license and present evidence of teaching experience, the combination to total a minimum of five consecutive years' qualifications.

(a) After November 1, 1994, the license(s) must have been held in good standing for at least five years.

(b) The requirements of this subsection shall not apply to program directors employed by community colleges governed by chapters 28B.19 and 28B.50 RCW, or to program directors employed by vocational-technical institutes governed by the superintendent of public instruction and the state board of education.

(3) To qualify a provider for the commissioner's approval, each of the provider's proposed instructors must hold in good standing a valid Washington agent's or broker's license(;) for the line(s) of insurance he or she will be instructing, and present evidence of teaching experience or experience supervising student completion of self-paced instructional materials, the combination to total a minimum of three consecutive years' qualifications. After November 1, 1992, the license(s) must have been held in good standing for at least three years.

(4) An independent provider shall establish and maintain records and an appropriate accounting system for all tuition payments received by the provider.

(a) All tuition funds received must be deposited promptly into a bank account or depository separate from any other account or depository.

(b) The accounting system used must effectively isolate the separate account from any other operating or personal accounts, and must provide an audit trail so that details underlying the summary data may be identified.

(c) The provider shall make such records available for inspection by the commissioner during regular business hours upon demand during the three years immediately after the date of the transaction.

(5) Noninsurer course providers shall have an exact physical location or locations.

WSR 89-19-037
PERMANENT RULES
INSURANCE COMMISSIONER

[Order R 89-10—Filed September 15, 1989, 1:39 p.m.]

Date of Adoption: September 15, 1989.

Purpose: Specific criteria for approval of continuing insurance education.

Citation of Existing Rules Affected by this Order: Amending WAC 284-17-200, 284-17-210, 284-17-220, 284-17-230, 284-17-250, 284-17-260, 284-17-270, 284-17-275, 284-17-280, 284-17-290, 284-17-310 and 284-17-320.

Statutory Authority for Adoption: RCW 48.02.060.

Pursuant to notice filed as WSR 89-16-099 on August 2, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-17-275, criteria that must be met for course approval.

Effective Date of Rule: Thirty days after filing.

September 15, 1989

Dick Marquardt
 Insurance Commissioner
 By Roger Polzin
 Deputy Commissioner

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-200 PURPOSE. The purpose of this regulation is to implement the provisions of RCW 48.17.150, promoting licensee competence, by establishing the minimum continuing education requirements that must be met prior to the renewal of an insurance agent, solicitor or broker((s)) license, and by specifying minimum criteria which must be met in order to qualify insurance courses for approval.

AMENDATORY SECTION (Amending Order R 82-2, filed 4/28/82)

WAC 284-17-210 DEFINITIONS. As used in this continuing education regulation, unless the context requires otherwise((:));

(1) "Provider" means "insurance education provider" as defined in section 2, chapter 323, Laws of 1989.

(2) "Approved course" includes courses, programs of instructions, correspondence courses and seminars.

~~((2)) "Hours" means the time assigned by the commissioner as recognition for the satisfactory completion of an approved course. For college level work entirely on approved subjects:~~

~~(a) Twelve hours will be assigned for each quarter "credit hour."~~

~~(b) Sixteen hours will be assigned for each semester "credit hour." The number of hours assigned for other programs will normally be based upon the number of classroom contact hours or their equivalent. However, based upon the evaluation of the course content, the number of hours assigned may be less than the total amount of time spent by the student in the course.))~~

(3) "Licensee" means each natural person licensed as a resident insurance agent, solicitor or broker to sell life,

disability, property, or casualty insurance. ~~((A credit insurance licensee is not included:))~~ An individual holding a limited license to sell credit life and disability insurance, or travel insurance, or holding a license to sell only vehicle insurance or surety insurance, need not satisfy the continuing education requirement.

(4) "Credit hours" means the value assigned to a course by the commissioner, upon review and approval of course materials and content outline.

The number of credit hours assigned to a course will normally be based upon the number of classroom contact hours or their equivalent. However, based upon the evaluation of the course content, the number of credit hours assigned may be less than the total amount of time spent by the licensee in the course.

For college level work entirely on approved subjects:

(a) Twelve credit hours will be assigned for each quarter "credit hour."

(b) Sixteen credit hours will be assigned for each semester "credit hour."

(5) "Certificate of completion" means a document signed by the course instructor or other responsible officer ~~((which shall signify))~~ of the provider signifying satisfactory completion of the course and ~~((shall reflect))~~ reflecting credit hours ~~((of credit))~~ earned. Such certificate((s)) shall be in standard form, completed in its entirety, and containing such identifying information as is prescribed by the insurance commissioner.

AMENDATORY SECTION (Amending Order R 81-5, filed 8/31/81)

WAC 284-17-220 CONTINUING EDUCATION REQUIREMENT. (1) ~~((The number of hours course work required to be presented annually as a prerequisite to license renewal or reissuance shall be 12 hours:))~~ Twelve credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.

(a) New licensees ~~((that))~~ who have been licensed for less than ~~((6))~~ six months at the time of renewal ~~((with))~~ are not ~~((be))~~ required to complete the continuing education~~((:));~~ however, anyone licensed ~~((6))~~ six months or more at time of renewal must have ~~((completed))~~ earned the entire ~~((12))~~ twelve credit hours.

~~((The commissioner may accept licensed sales experience in another state, as comparable experience for the purpose of calculating the number of years licensed and for determining the number of continuing education hours required for each annual renewal or reissuance:))~~

(b) Each course ~~((to be))~~ credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and ~~((hours applied cannot have been applied in a previous year toward satisfaction of))~~ the credit may not have been used previously to comply with the continuing education requirement.

(2) The course((s)) participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.

(3) ~~((If the home state of a nonresident agent is determined to have a continuing education program substantially comparable to that of Washington, satisfaction of the continuing education requirement of the home state may be accepted as meeting Washington's requirement.))~~ Repeating an approved course for which the licensee has previously claimed credit will not satisfy the continuing education requirement.

(4) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-230 ELIGIBLE COURSES—ADVANCE APPROVAL REQUIRED. (1) Courses eligible for approval ~~((for))~~ to satisfy the continuing education ((program shall be)) requirement are those courses ((related)) demonstrating a direct and specific application to insurance.

(a) General education courses and sales motivation courses shall not be eligible for approval.

(b) Courses shall present accurately all statutory and regulatory requirements then applicable or published by the code reviser at the time the course is offered.

~~(2) All courses must be approved prior to the beginning of study in order to be applied toward the satisfaction of the continuing education requirement ((PROVIDED, That licensees who have attended and seek credit for completion of courses organized by, and conducted under the supervision of industry trade associations, national associations of agents or brokers or such other national organizations as are accepted by the commissioner, may, within 60 days of course completion, submit supporting course materials and a request for approval of course content and hours credit to the commissioner. The licensee seeking course and hours credit approval shall have the responsibility for providing:~~

~~(a) Sufficient supporting materials regarding course content and hours to permit the commissioner to make a determination, and~~

~~(b) A "certificate of completion" signed by the instructor or person in charge of the course signifying licensee attendance at, and completion of, the course)).~~

(3) Approval of the course is valid for the provider that originally submitted the course to the commissioner, and is not transferable to any other entity.

(4) The commissioner shall assign an identifying certification number to each approved course. The certification number shall be listed on each certificate of completion issued by the provider.

(5) The provider shall issue a certificate of completion to each licensee who has satisfactorily completed the course, within fifteen days after completion or within fifteen days of the date the course was approved by the commissioner, whichever event is later.

AMENDATORY SECTION (Amending Order R 81-5, filed 8/31/81)

WAC 284-17-250 COURSES CONDUCTED BY ~~((AUTHORIZED))~~ SELF-CERTIFYING ORGANIZATIONS. (1) Insurance companies, insurance trade associations and state-wide associations of agents or brokers that have an existing formal, and demonstrable, training program may ~~((;))~~ become self-certifying organizations. Upon request to and approval by the commissioner, ~~((be))~~ such self-certifying organizations are authorized to develop course content and conduct approved courses on the subjects that are the organization's focus, without the requirement for prior individual course review and approval by the commissioner.

(2) Local chapters of ~~((such an authorized))~~ each self-certifying state-wide association of agents or brokers may submit proposed courses to the state-wide organization and, upon a determination by the state-wide organization that the local chapter's course meets the standards of the organization and complies with this continuing education regulation, such local chapter's course shall be considered to be a course of the state-wide association of agents or brokers and shall be presumed to be approved by the commissioner.

~~(3) ((It is the intent of this section that only organizations with a formal, full-time training program be approved to develop and conduct courses without prior individual course approval. Courses of other organizations are to be reviewed and acted on by the commissioner on a prior and individual basis.~~

~~(4))~~ Requests for training program review, and authority to develop course content and to conduct courses without prior individual course approval, must include the following information:

(a) The name of the organization.

(b) A description of the existing training program of the organization including:

(i) The titles ~~((or))~~ and descriptions of courses taught during the previous year.

(ii) The number of ~~((students))~~ licensees taught, by course, during the previous year.

(iii) The name of the person in charge of the training program ~~((;))~~ and a description of her or his experience, including years of full-time training ((program)) experience and years with ((the)) past and present organizations.

(iv) Budget of the training program for the current year.

(c) A description of the manner in which courses will be developed to comply with the continuing education regulation and reviewed prior to course conduct.

(d) A statement by the responsible employee or officer of the organization agreeing to comply with regulations in developing courses and attributing credit hours to those courses.

(e) An agreement ~~((to offer))~~ to provide((, and to provide when requested;)) a certificate of completion ~~((and)),~~ showing credit hours earned, to each successful student.

(f) An agreement to maintain records of ~~((student))~~ licensees' course completions for three years.

(g) Any catalogue, brochure, or other similar publication applying to the continuing education requirement.

~~((5))~~ (4) The ((granting)) grant of authority to an organization to develop course content and conduct courses without prior individual course approval shall be for ((an indefinite)) a period of time not to exceed one year. Approvals may be renewed each year, ((or until revoked)) by the commissioner, upon the request of any self-certifying organization that has complied with statutes and regulations governing insurance education. The actual conduct and performance of the training program shall be subject to review by the commissioner.

~~((6))~~ (5) Organizations that have been authorized to develop course content and conduct courses without prior individual course approval shall file, within ten calendar days of the date any course is first presented, a course outline for each course with the commissioner. The course outline shall include:

- (a) A description of the subject matter to be taught.
- (b) The method of teaching or presentation.
- (c) The number of classroom contact hours.
- (d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.
- (e) The number of continuing education credit hours ~~((credit))~~ assigned to each course.
- (f) Other relevant information.

(6) The self-certifying organization shall apply to the commissioner for a certification number for the course; such number shall appear on each certificate of completion issued to each licensee who successfully completes the course.

(7) Assignment of continuing education credit hours to courses, by self-certifying organizations ((that have been authorized to develop course content and conduct courses without prior individual approval)), shall be subject to review and revision by the commissioner as necessary to ensure consistency in ((continuing education)) the number of credit hours assigned to comparable courses.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-260 COURSES INDIVIDUALLY APPROVED. Organizations or individuals not included in WAC 284-17-240 or 284-17-250 ((that desire to have courses approved)) wanting to offer approved continuing education courses may submit their request(s) for individual course approval to the commissioner.

(1) Such requests for course approval must be submitted on forms prescribed by the commissioner.

(2) The request for course approval shall include:

(a) A copy of the course material that is requested to be approved; PROVIDED, HOWEVER, That the commissioner may waive the submission of materials that have been approved within the previous twelve months.

(b) An explanation of the method of teaching or presentation.

(c) The number of classroom contract hours.

(d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.

(e) The number of continuing education credit hours for which approval is requested; and an estimate of the number of times the proposed course is to be offered.

(f) An agreement ((to offer to provide, and)) to provide ((when requested;)) a certificate of completion ((and continuing education hours)) showing credits earned, to each successful ((student)) licensee; and to retain, for a minimum period of three years, records of all certificates issued.

(g) An agreement by the responsible official to comply with regulations in conducting courses.

~~((2))~~ (3) A specific determination of course approval and ((hours approval)) assignment of credit hours will be made by the commissioner in accordance with the terms of WAC 284-17-230. No course for which individual course approval is required may be represented as being approved prior to actual approval. Approval of an individual course is valid for a maximum period of twelve months from the original approval date.

AMENDATORY SECTION (Amending Order R 81-5, filed 8/31/81)

WAC 284-17-270 CREDIT FOR COURSES. (1) No course shall be established for less than one ((hour of)) continuing education credit. Courses conducted in conjunction with other ((meetings)) nonqualifying activities or subject matter must have a separate continuing education course component in order to qualify the courses for approval.

(2) The ((instructor)) provider of a course must maintain a positive attendance record, consisting of a sign in - sign out register, in order to qualify the course for continuing education credit. The provider must retain such registers, or any other evidence of satisfactory completion, for a period of three years from the date of completion.

(3) The instructor of ((a)) an approved course shall receive twice the number of credit hours ((credit)) for teaching a course as is ((allowed for a student taking)) earned by a licensee completing the course. Such instructor may not, however, claim continuing education credit for completing or teaching a course for which he or she has previously claimed credit.

AMENDATORY SECTION (Amending Order R 87-12, filed 12/18/87, effective 3/1/88)

WAC 284-17-275 COURSES NOT APPROVED. A course will not be approved if any requirement of this chapter is not met, or if the instructor lacks education or experience in the subject matter of the proposed course, or if the ((sponsoring organization)) provider or any of its employees or contractors who are supervising or conducting, and certifying completion of an insurance course:

(1) ((Lacks education or experience in the subject matter of the proposed course; or

(2)) Has a history of noncompliance with insurance statutes or regulations; or

((3)) (2) Has had an insurance license revoked, suspended, or refused because of violations of or noncompliance with insurance statutes or regulations.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-280 APPROVED COURSES OR SELF-CERTIFYING ORGANIZATIONS—LOSS OF APPROVAL. (1) The approval of a course, or of ~~((an))~~ a self-certifying organization ~~((to develop and conduct courses without prior individual course approval)),~~ may be suspended or revoked ~~((by))~~ if the commissioner ~~((if he))~~ determines that:

(a) The ~~((course))~~ content ~~((has been))~~ of an individually approved course was significantly changed without notice to and approval from, the commissioner ~~((and the change affects the number of hours assigned to the course)).~~

(b) A certificate of ~~((participation and hours earned is or has been))~~ completion was issued to any individual who did not complete the course.

(c) A certificate~~((s))~~ of ~~((participation and hours earned were))~~ completion was not ~~((offered, or were not given when requested))~~ issued to any individual~~((s))~~ who ~~((have))~~ satisfactorily completed the course.

(d) The actual instruction of the course is determined by the commissioner to be inadequate.

(e) In the commissioner's discretion, the course or courses offered by a self-certifying organization fail to meet the objectives and requirements of the statutes and regulations requiring continuing education for insurance agents and brokers.

(f) The provider failed to comply with the commissioner's request for submissions of updated descriptions of any course offerings; or records, course materials, or audit information were not provided within fifteen days of the commissioner's request.

(g) The provider, or any of its employees or contractors involved in insurance education, has violated insurance laws including, but not limited to the regulations contained in this chapter.

(2) If the commissioner finds under this chapter, that disciplinary action against any provider is appropriate, the commissioner may exercise the discretion to suspend or revoke all approvals of that provider's concurrent offerings, and refuse to approve submissions of previously approved courses.

(3) Reinstatement of a suspended or revoked approval shall be at the discretion of the commissioner after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-290 WAIVER OF CONTINUING EDUCATION REQUIREMENT. (1) Any licensee~~((:))~~ who believes that good cause exists, may request a waiver of the continuing education requirement. Requests shall be in writing, received prior to the expiration of the licensee's existing license and specify in substantive detail the reason or reasons why the licensee believes a waiver of the continuing education requirement for the current license renewal is merited.

(2) Any request for a waiver which is based upon the licensee's retirement shall be accompanied by a statement attesting that the licensee:

(a) Is at least sixty-five years of age;

(b) Is retired from active selling of insurance products; and

(c) No longer represents any insurer.

(3) If the conditions upon which a waiver was granted change, the licensee shall notify the commissioner in writing within fifteen days, and may be required to satisfy the continuing education credit hours which would have been prerequisite to license renewal had the waiver not been granted. Violation of the conditions of this waiver may result in assessment of a fine, revocation of license, or both.

(4) Any request for a waiver which is based upon medical considerations shall be accompanied by a physician's statement of the applicant's illness or injury.

(5) No waiver shall be valid for a period in excess of one year from the applicant's regular license renewal date.

AMENDATORY SECTION (Amending Order R 82-2, filed 4/28/82)

WAC 284-17-310 WHEN CONTINUING EDUCATION REQUIREMENT MUST BE MET. (1) Each licensee, as defined in WAC 284-17-210(3), shall ~~((be required to))~~ present evidence of completing the continuing education requirement, prior to license renewal~~((, beginning with those license renewals falling due on or after October 1, 1981))~~ or reinstatement.

(2) Such evidence shall include specific information on the approved course or courses the licensee completed to satisfy the continuing education requirement.

(3) Each credit applied to satisfy the continuing education requirement must have been earned, by completing the relevant course, before the licensee applies for renewal or reinstatement.

AMENDATORY SECTION (Amending Order R 80-3, filed 3/20/80)

WAC 284-17-320 LICENSE RENEWAL REQUESTED—CONTINUING EDUCATION REQUIREMENT NOT SATISFIED. In the event that a ~~((licensed insurance agent or broker))~~ licensee who is required by this chapter to earn twelve credit hours, requests license renewal and fails to present evidence of completion of the continuing education requirement, the licensee shall be notified ~~((by mail))~~ in writing of the ~~((apparent))~~ deficiency and provided with ~~((reasonable opportunity))~~ fifteen calendar days from the renewal date or the date of notification, whichever is later, to show compliance. If the information necessary to renew the license is not received within the fifteen-day time period, the license shall lapse and become invalid. Application for renewal after that date, must be made according to the procedures of RCW 48.17.150 and 48.17.500.

WSR 89-19-038
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-307, Docket No. U-89-2876-R—Filed September 15,
 1989, 3:49 p.m.]

In the matter of adopting WAC 480-80-390 relating to mandatory cost changes for telecommunications companies.

This action is taken pursuant to Notice Nos. WSR 89-12-069 and 89-17-041 filed with the code reviser on June 7, 1989, and August 11, 1989, respectively. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

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

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 89-12-069 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, July 12, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini, and continued by Notice No. WSR 89-17-041 to August 23, 1989.

Under the terms of said notices, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 7, 1989, and orally at 9:00 a.m., Wednesday, July 12, 1989, in the Commission's Hearing Room above noted. At the July 12, 1989, meeting the commission considered the rule change proposal. Written comments were received from the Washington Independent Telephone Association, Pacific Telecom, United Telephone Company of the Northwest, and the Public Counsel Division of the Office of the Attorney General; and oral comments were made by Jack Doyle, representing Washington Independent Telephone Association.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-80-390 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-80-390 as adopted will provide more streamlined procedures to be applied to rate filings by local exchange telecommunications companies occasioned by changes in jurisdictional separations and mandatory accounting and tax changes.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-80-390 as set forth in Appendix A, be adopted as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

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

DATED at Olympia, Washington, this 15th day of September, 1989.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Richard D. Casad, Commissioner
 A. J. Pardini, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-80-390 MANDATORY COST CHANGES FOR TELECOMMUNICATIONS COMPANIES. (1) This section establishes streamlined procedures to be applied to rate filings by local exchange telecommunication companies which seek to reflect in rate increases jurisdictional separations changes and mandatory accounting and tax changes imposed by a governmental authority which are accepted for intrastate ratemaking purposes by the commission.

(2) In order to qualify for jurisdictional separations or mandatory accounting and tax change treatment, a filing seeking to increase rates shall meet the following requirements at a minimum:

(a) It shall be accompanied by a recital that the company has or will within forty-five days of the filing complete distribution in the manner specified in WAC 480-80-125 of a notice to customers containing information as to the rate increase consistent with that required in that portion of the rule denominated "summary of requested rate increases," and further containing the name and mailing address of the commission and public counsel, and advising the customers that they may contact the same with respect to the proposed rate change. Proof of compliance with the foregoing shall be on file with the commission at least thirty days before any rates sought under this procedure shall be made effective.

(b) The filing shall be accompanied by supporting documentation demonstrating the calculation of the proposed increase and the authority for the change.

(c)(i) A company seeking this treatment for a proposed increase shall submit a rate of return statement, on a commission basis, which demonstrates that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase shall be reduced accordingly. All supporting documentation used to develop the rate of return statement shall be provided with the filing. For the purposes of this rule, "reasonable level of earnings" is the company's authorized overall rate of return or the rate of return developed pursuant to (e) of this subsection, whichever is more current. Companies with revenues exceeding five hundred million dollars annually may use their authorized rate of return if established within the prior two years. If no return has been established within two years, such companies may not be accorded the procedures designated by this rule, unless

in the judgment of the commission, such authorized return is not unreasonable for purposes of a filing under this rule. If a company cannot depict Washington intrastate results of operations with reasonable accuracy, the total Washington realized return may be used for this test.

(ii) The rate of return statement shall not be a fully pro forma results of operations statement, but must depict the results of operations on a commission basis. For purposes of this rule, "commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis and also includes an appropriate pro forma debt adjustment. These restating adjustments should be made to account for jurisdictional differences where they depart from FCC Part 32. Accounting rules set forth in WAC 480-120-031 may be used as a guide to satisfy most adjustments required to restate per books results of operations. Nonoperating, nonrecurring, or extraordinary items, and unregulated operating items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. For purposes of this rule, "commission basis" does not include new theories or approaches which have not been previously addressed to and resolved by the commission.

(d) The supporting documentation specified in (b) and (c) of this subsection shall be submitted at the time of the tariff filing or the first notice to customers, whichever occurs first.

(e) The qualifying overall rate of return will be either not greater than 10.5 percent or based upon a 12.25 percent return on equity. The 10.5 percent overall rate of return will be adjusted according to the following table:

90% DEBT COMPANIES USE 40.00% OF TARGET RATE OF RETURN
 80% DEBT COMPANIES USE 48.00% OF TARGET RATE OF RETURN
 70% DEBT COMPANIES USE 57.60% OF TARGET RATE OF RETURN
 60% DEBT COMPANIES USE 69.12% OF TARGET RATE OF RETURN

Using the 12.25 percent return on equity, the overall fair rate of return will be determined on an individual company basis giving consideration to the company's cost of debt and preferred equity, each adjusted for any known and measurable effects, and utilizing an appropriate capital structure.

For the purposes of this rule only, "appropriate capital structure" shall be defined as a minimum of forty percent equity and a maximum of sixty percent equity. Capital structures outside these parameters will be adjusted to the minimum or maximum, whichever is closer.

The rates shall be reviewed during the third quarter of each calendar year, and such action taken as may be

necessary and appropriate to reflect the current capital market conditions: PROVIDED, That nothing herein shall foreclose more frequent review and adjustment of the overall rate of return or return on equity as circumstances may indicate. Nothing in this rule shall foreclose a utility from seeking a different return on equity, nor shall the returns or the methodologies stated in this section be considered as precedent for any other commission proceedings.

(3) Except for costs identified with a particular customer class, any revenue requirement change sought to be reflected by this treatment shall be spread on a uniform revenue percentage basis by customer class, defined as residential, business, and interexchange, whether or not classified as competitive.

Costs identified with interexchange services shall be spread to access charges using approved commission methodology. Costs identified with any other specific class or service shall be spread to that class or service on a uniform percentage basis. In exceptional circumstances, a company may propose an alternative rate design or rate spread.

(4) If the commission has reason to believe that the quality of the company's service is not consistent with its public service obligations, or if the commission has reason to believe that the company's results of operations, proposed rate design or proposed rate spread, or proposed alternative rate design or rate spread require a more extensive review, the commission may decline to apply the procedures contemplated by this rule.

(5) If jurisdictional separations or mandatory accounting and tax change treatment is found to be appropriate, the commission will ordinarily take final action within ninety days of the date of filing.

(6) Nothing in this section shall be construed to prevent any company, the commission, or any customer from utilizing any other procedures which are otherwise permitted by law.

WSR 89-19-039

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-108—Filed September 15, 1989, 4:16 p.m.]

Date of Adoption: September 15, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-514.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 6, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Area 6D remains closed in

order to protect chinook and pink salmon stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin coho. Restrictions in Area 7B are necessary to prevent overharvest of chinook. Openings in Area 7E provide opportunity to harvest non-Indian allocation of Glenwood Springs origin fall chinook. Area restrictions in Area 7E are necessary to protect milling chinook, and to maintain an orderly fishery. Openings in Areas 10 and 11 provide opportunity to harvest nontreaty allocation of South Sound origin coho stocks. The restriction in Area 10 provides enhanced sport opportunity in Elliott Bay. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of Hood Canal origin coho. The restriction in Area 12B is necessary to reduce interactions between commercial and sport fisheries. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., September 17, 1989.

September 15, 1989
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-515 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 17, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 6, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 7B – Gillnets using 5-inch minimum, 6-inch maximum mesh may fish continuously from 12:01 AM Sunday September 10 through 4:00 PM Friday October 27 and purse seines may fish continuously from 12:01 AM Monday September 11 through 4:00 PM Friday October 27. This fishery excludes those waters south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Area 7E – Gillnets using 7-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, Monday, Tuesday, Wednesday, and Thursday, September 18, 19, 20, and 21, and purse seines may fish from 5:00 AM to 9:00 PM daily, Monday, Tuesday, Wednesday, and Thursday, September 18, 19, 20, and 21. This area 7E opening excludes those waters north of a line projected true east from Tongue Point, and closed within a 100-foot radius of the Glenwood Springs Hatchery ladder.
- * Areas 10 and 11 – Gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00

AM nightly Monday and Tuesday September 18 and 19, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, Monday and Tuesday September 18 and 19. This opening excludes those waters of Area 10 east of a line projected from West Point to Alki Point.

- * Areas 12 and 12B – Gill nets using 5-inch minimum mesh may fish from 5:00 PM Monday September 18 to 9:00 AM Tuesday September 19, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Monday September 18. This opening excludes those waters of Area 12B south and west of a line projected from Hood Point to Quatsap Point.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7C, 7D, 8, 8A, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 17th:

WAC 220-47-514 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-101)

WSR 89-19-040

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-109—Filed September 15, 1989, 4:20 p.m.]

Date of Adoption: September 15, 1989.

Purpose: Personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The defined area in the permanent WAC's is not sufficient to protect the upstream migrating salmon milling below the dam. Local patrol officers have requested the area to be expanded.

Effective Date of Rule: Immediately.

September 15, 1989
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-16000B COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective immediately until further notice, the following are closed waters:

(1) *Rocky Reach, Rock Island and Wanapum Dams – waters between the base of the downstream side of these dams to points 400 feet downstream of the dams.*

(2) *Priest Rapids Dam – waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 400 feet below the fishways on each side of the river.*

**WSR 89-19-041
EMERGENCY RULES**

DEPARTMENT OF FISHERIES

[Order 89-106—Filed September 15, 1989, 4:34 p.m.]

Date of Adoption: September 15, 1989.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test fishing with gill nets has indicated large quantities of dogfish are present in East Sound. Setnet fishing in the areas has been prohibited because of conservation concerns for summer chinook. The test fishing results indicate that summer chinook are no longer present so that a setnet fishery is justified.

Effective Date of Rule: 12 noon, September 18, 1989.

September 15, 1989

Joseph R. Blum
Director

NEW SECTION

WAC 220-48-02900D SET NET—DOGFISH—SEASON Notwithstanding the provisions of WAC 220-47-029, effective 12 noon September 18, 1989 until 12 noon September 21, 1989 it shall be lawful to fish for dogfish with set net gear as described in WAC 220-48-028 in that portion of Marine Fish Catch Reporting Area 22A north of a line projected 82 degrees true from Twin rocks, with the following exceptions:

(1) Closed to fishing:

(a) Within a 1,500 foot radius of the mouth of the Glenwood Spring Hatchery ladder.

(b) North of a line projected 90 degrees true from Madrona Point.

(2) In addition, all participating set netters must:

(a) Register with the Washington Department of Fisheries Marine Fish Program at the Bellingham Office.

(b) Complete and submit the designated Washington Department of Fisheries logbook.

(c) Allow observers on board their vessel while participating in the fishery.

WSR 89-19-042

PROPOSED RULES

TRANSPORTATION COMMISSION

[Filed September 18, 1989, 9:25 a.m.]

Original Notice.

Title of Rule: Chapter 468-38 WAC, Vehicle size and weight.

Purpose: To amend several Washington Administrative Code rules to reflect new procedures.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090.

Summary: Several procedures used for issuing over-size/overweight permits for trucks have changed. The WAC needs to be amended to reflect those changes.

Reasons Supporting Proposal: Some changes are necessitated by changes in motor carrier patterns, by changing technology, or by changes in licensing procedures.

Name of Agency Personnel Responsible for Drafting and Implementation: John Conrad, Chief Maintenance Engineer, Transportation Building, Olympia, 753-4776; and Enforcement: Major Fred Pilon, Washington State Patrol, Commercial Vehicle Enforcement, Washington State Patrol Annex, 753-6554.

Name of Proponent: Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 468-38-030, changes procedures for issuing additional tonnage permits to correspond to changes in licensing procedures effected by the state's entering the international registration plan; WAC 468-38-100, changes from 10 feet wide to 11 feet wide the point wider than which pilot cars are required on two lane roads; and WAC 468-38-230, simplifies hours of operations for permit vehicles. On Friday afternoon, all permit vehicles are prohibited after 3:00 p.m.; WAC 468-38-030, these changes reflect the practice of making permits available in all our offices as well as changes created by this state's joining the international registration plan (IRP), an international licensing system; WAC 468-38-040, updates language to reflect current practice; WAC 468-38-050, requires the same level of insurance for overdimensional or overweight haulers as the UTC requires for common carriers. Private property haulers must have the level of insurance required for private car coverage; WAC 468-38-100, amends from 10 feet to 11 feet the width above which pilot cars are required on two-lane roads; WAC 468-38-160, clarifies the regulation governing the area that must be visible to drivers of overwide vehicles; WAC 468-38-200, references and incorporates the federal regulations on load securing devices; WAC 468-38-230, simplifies the restrictions on permit loads for Friday afternoon. Specifies that permit loads may be moved on Saturday; WAC 468-38-250, clarifies hours of operation for permit offices and ports of entry; WAC 468-38-260, clarifies the policy on 10-foot wide nighttime movement on freeways; WAC 468-38-350, adds to the reasons for using the passing lane [in] the situation where high loads must move out of the

right lane; and WAC 468-38-390, adds the notation "Snow tires advised" to those signs that indicate all permit moves are prohibited.

Proposal Changes the Following Existing Rules: Mostly in technical ways, except for the items listed above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commission Hearing Room, Transportation Building, Olympia, Washington 98504, on November 16, 1989, at 10:00 a.m.

Submit Written Comments to: Richard Odabashian, Chairman, Washington State Transportation Commission, Transportation Building, Olympia, Washington 98504, by November 16, 1989.

Date of Intended Adoption: November 16, 1989.

September 15, 1989

Anna Peterson
Administrator

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-030 ISSUANCE OF ADDITIONAL TONNAGE PERMITS. (1) ~~((All permits for annual additional tonnage are to be issued at the headquarters office of the department of transportation, Olympia, Washington.))~~ Permits for annual, quarterly, monthly, or temporary additional tonnage may be issued in the department's permit offices or by agents of the department located throughout the state.

(2) ~~((The department shall periodically publish a map showing which highways may be traversed by vehicles using additional tonnage permits. These routes are subject to change or cancellation by the department if deterioration occurs.~~

(3) Permits will be issued only to the following types of vehicles: three or more axle full trucks; three or more axle truck-tractors; three or more axle dromedary truck-tractors ~~((; three axle full trailers. Three axle full trailers will require a permit only when towed by a two axle full truck, or if the towing vehicle is not covered by an additional tonnage permit)),~~ and two axle tractors to pull double trailers.

~~((4))~~ (3) Permits will not be issued to semi-trailers.

~~((5))~~ (4) The fees for additional tonnage permits shall be prorated under the following conditions and by the following method:

(a) ~~((Additional tonnage permits will be prorated only to firms or individuals listed by the department of licensing to be fleet operators and only when the name is indicated on the listing furnished by the department of licensing.~~

(b) ~~All power units in a fleet that have been reported to the department of licensing as proportionally registered are eligible for proration.~~

~~((c))~~ The total cost of additional tonnage requested by the applicant for all units within the fleet shall be computed as if those fees were not subject to prorate.

~~((d))~~ (b) Those firms or individuals who license their vehicles under chapters 46.85 and 46.87 RCW shall submit a copy of their Schedule A and B that has been approved by their respective jurisdiction when applying for annual additional tonnage.

(c) The percentage of mileage operated in Washington, which is the percentage as reported for vehicle license proration, shall be multiplied by the amount in ~~((subparagraph (c)))~~ (a) of this subsection to determine the amount to be paid to the department of transportation: PROVIDED, HOWEVER, That the minimum fee assessed for any permit shall ((not be less than five dollars)) be determined by RCW 46.44.095.

~~((e))~~ (d) Additions to fleets may be issued additional tonnage permits and payment shall be determined by using the same method as described above: PROVIDED, HOWEVER, That no additional tonnage permits will be issued until the vehicle or vehicles involved have been duly registered with ((the department of licensing as additions to the fleet)) their respective jurisdiction in accordance with chapters 46.85 and 46.87 RCW.

~~((f))~~ (5) Quarterly or monthly additional tonnage permits may be purchased only when the applicant has purchased licensed tonnage on a quarterly or monthly basis.

~~((7))~~ (6) Temporary additional tonnage permits may be purchased when the applicant has licensed tonnage in effect for the period for which he is applying.

~~((8))~~ (7) Additional tonnage purchased on a quarterly ~~((or monthly))~~ basis may be prorated if the prorate percentage for Washington state is at least sixty percent. Temporary additional tonnage may not be prorated.

~~((9))~~ (8) If a permit to increase weight by means of a boost-a-load or similar device is requested, the applicant must produce written evidence from respective county and/or city authorities indicating approval to travel over county roads or city streets.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-040 SPECIAL LOG TOLERANCE TRANSPORTATION PERMITS. (1) Special log tolerance transportation permits shall be issued ~~((only at the headquarters office of the department of transportation located in Olympia, Washington))~~ at all department of transportation permit offices or by agents of the department located throughout the state.

(2) A permit will be denied if the vehicle does not meet the axle distance requirements of RCW 46.44.047, i.e., the distance between the front axle and the last axle of the combination shall be at least 37 feet.

(3) Maximum gross weight of the combination shall not exceed 68,000 lbs. by more than 6800 lbs. gross.

(4) Maximum gross weight on tandem axles shall not exceed 33,600 lbs. on each set of tandem axles.

(5) Operators having special log tolerance transportation permits are subject to all posted road and bridge restrictions.

(6) Special log tolerance transportation permits may be transferred to the purchaser of a log truck or to another vehicle owned by the permittee. A fee of five dollars will be charged.

(7) Any approved route, previously granted, shall be subject to immediate cancellation if upon determination of the department of transportation the section of state highway involved is showing abnormal failure or overstress.

~~((The department shall periodically publish a map showing which highways may be traversed by vehicles using special log tolerance transportation permits. The department shall be guided in its determination by the ability of each section of highway to accommodate the increased loading.~~

~~((9))~~ When county roads or city streets are used to reach state highways, a permit for the use of such county roads or city streets is to be obtained from the proper county or city authorities.

~~((10))~~ (9) The fee for special log tolerance transportation permits may not be prorated.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-050 SPECIAL PERMITS FOR MOVEMENT OF OVERLEGAL SIZE OR WEIGHT LOADS. The department of transportation may issue permits for movement of overlegal size or weight loads when:

(1) Application has been made to the department and the applicant has shown that there is good cause for the move, and that the applicant is capable of making the move.

(2) The applicant has shown that the load cannot reasonably be dismantled or disassembled.

(3) The vehicle, combination, or load has been dismantled and made to conform to legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary.

(4) The vehicle(s) and load have been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved.

(5) The proposed move has been determined to be consistent with public safety and the permittee has shown proof of seven hundred fifty thousand dollars liability insurance for the cost of any accident, damage, or injury to any person or property resulting from the operation of the vehicle covered by the permit upon the public highways of this state: PROVIDED, That a noncommercial operator shall have at least three hundred thousand dollars liability insurance.

(6) The permittee affirms that:

(a) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(b) The drivers are properly licensed to operate in Washington in the manner proposed.

(7) The permittee will comply with all applicable rules pertaining to the issuance of any special permit.

(8) Except as provided for in RCW 46.44.140, the original permit or certified copy must be carried on the power unit at all times the permit is in effect.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-100 ESCORT CAR REQUIREMENTS. Escort cars are required:

(1) When vehicle, vehicles or load is over ~~((10))~~ eleven feet in width, escort cars (both front and rear) are required on a two-lane highway.

(2) When vehicle, vehicles or load is over ~~((14))~~ fourteen feet wide, one escort car in rear of movement is required on multiple-lane highways.

(3) When vehicle, vehicles or load is over ~~((20))~~ twenty feet wide, escort cars in both front and rear of movement are required when the highway is a multiple-lane, undivided highway.

(4) When overall length of load, including vehicles, exceeds ~~((100))~~ one hundred feet or when rear overhang of load measured from the last axle exceeds one-third of the total length, one escort car is required on two-lane highways. The permit may authorize a riding flagperson in lieu of an escort car.

(5) When overall length of load, including vehicles, exceeds ~~((140))~~ one hundred forty feet, one rear escort car is required on multiple-lane highways.

(6) When in the opinion of the department of transportation, escort cars are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-160 SIDE MIRRORS FOR OVERWIDE LOADS. Side mirrors shall be so mounted on vehicles hauling overwide loads that the driver can see the highway for a distance of two hundred feet directly to the rear of the driver's side of the vehicle. Escort vehicles may be used in lieu of this requirement.

All escort vehicles must be equipped with outside rear-view mirrors on each side of the vehicle to provide vision to the rear to ensure that the movement is progressing safely.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-200 SAFETY CHAINS AND DEVICES. Special permits will not authorize the operation of any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other load securing device pursuant to the Code of Federal Regulations, Title 49, part 393.100. Dragging of load on the roadway will not be permitted. Vehicles with a boom or structural erection member attached thereto must have the boom or member secured in such a manner that it will not elevate or sway in transportation.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-230 DAYS ON WHICH PERMIT MOVEMENTS ARE PROHIBITED. Oversize movements are prohibited on Fridays after ~~((2:00 p.m. if width is in excess of 10 feet, all other overlegal movements prohibited after 4:00))~~ 3:00 p.m. ~~((Fridays))~~ and after 12:00 noon on Sundays. Overlegal movements are allowed all day on Saturday. Overlegal movements are prohibited on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and during the afternoon of the day preceding said holidays. Should any of the holidays fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be considered such holiday.

Movements may be made on holidays that are not universally observed, provided they do not conflict with the policy for Fridays and Sundays, e.g., Lincoln's Birthday, Washington's Birthday, Columbus Day, Veterans' Day and General Election Day.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-250 DAYS ON WHICH PERMITS ~~((NOT))~~ ARE ISSUED. ~~((All offices of the department authorized to issue permits for the movement of vehicles or loads of excess size or weight are closed on Saturdays, Sundays and legal holidays. Consequently, permits will not be issued on these days. Applicants are required to arrange moving schedules and apply for permits sufficiently in advance of the moving dates to allow for this contingency.))~~ Permits may be purchased at any authorized department of transportation office or agency Monday through Friday during normal business hours. Permits are not available on Saturdays, Sundays, or legal holidays. Permits may be purchased at ports of entry on the interstate highway system twenty-four hours a day, seven days a week, excluding legal holidays.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-260 NIGHT-TIME MOVEMENTS. Special permits will authorize overlegal movements only during daytime hours under normal atmospheric conditions, except that movements up to ~~((10))~~ ten feet wide may be made by permit at night on fully controlled access highways ~~((whose lanes of travel are at least 12 feet wide)).~~ Those oversize loads that are allowed to move at night shall have lighting equipment as required by the Code of Federal Regulations, Title 49, part 393.18. No movements shall be made when visibility is reduced to less than ~~((1000))~~ one thousand feet or when hazardous roadway conditions exist. Daytime means from one-half hour before sunrise to one-half hour after sunset. Night-time means any other hour. It shall be the responsibility of the permittee to discontinue movement and remove the unit from the highway when any of the above conditions exist which could create an unsafe movement.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-350 LANE OF TRAVEL. The vehicle or combination moving by permit shall be operated in the right lane except when passing or when required to accommodate the height of the load.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-390 WINTER ROAD RESTRICTIONS. During periods when "emergency load restrictions" or "severe emergency load restrictions" are in effect, only vehicles equipped with tires required by WAC 468-38-080 may operate under permit. Movement by permit of units whether driven, towed or hauled is prohibited in areas where any of the following signs are displayed: "Snow tires advised," "approved snow tires recommended," "approved snow tires required," or "tire chains required."

Special permits for movements over mountain passes (Snoqualmie, Stevens, Sherman, Blewett, White and Satus) will not be valid during periods when snow is falling to a degree that visibility is limited to less than 1,000 feet; immediately following a severe storm when snow removal equipment is operating; when fog or rain limits visibility to less than 1,000 feet; or when compact snow and ice conditions require the use of chains. If hazardous conditions are encountered after a move is undertaken, it shall be the responsibility of the permittee to remove the oversize load from the highway, and he shall not proceed until conditions have abated and he has obtained clearance from the nearest department of transportation office or the Washington state patrol.

The secretary of transportation may issue special permits for department vehicles used for snow removal or the sanding of highways during emergency winter conditions. Such permits shall also be valid for vehicles in transit to or from the work site. Limitations on movement during hours of the day or days of the week may be waived. Sign requirements may be waived if weather conditions render such signs ineffectual. Movements at night may be made only by department vehicles whose lights meet the standards for emergency maintenance vehicles established by the commission on equipment.

WSR 89-19-043
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 18, 1989, 9:34 a.m.]

Original Notice.

Title of Rule: Applicability of chapter 248-19 WAC, amending scope of certificate of need review.

Purpose: To implement the ESB 6152 revisions in certificate of need review and specify tertiary services subject to review.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: Specifies health care facility proposals, including tertiary services, subject to certificate of need review.

Reasons Supporting Proposal: Implementing statutory changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Frank Chestnut, 753-5854.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Eliminates new institutional health services and major equipment from certificate of need review. Limits coverage of capital expenditures exceeding the expenditure minimum and substantially changes services to nursing homes. Establishes coverage of specific tertiary services.

Proposal Changes the Following Existing Rules: Repeals WAC 248-19-230.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, Department of Social and Health Services, 12th and Franklin, Olympia, Washington 98504, on October 24, at 1:00 p.m.

Submit Written Comments to: Frank Chestnut, 12th and Franklin, Olympia, Washington 98504, by October 23, 1989.

Date of Intended Adoption: October 27, 1989.

September 18, 1989

Lucille Christenson

Acting Secretary

(b) The sale, purchase, or lease of part or all of any existing hospital licensed under chapter 70.41 RCW or a psychiatric hospital licensed under chapter 71.12 RCW;

(c) A change in bed capacity of a health care facility increasing the total number of licensed beds or redistributing beds among acute care, skilled nursing, intermediate care, and boarding home care, as defined under RCW 18.20.020, if the bed redistribution is effective for a period in excess of six months;

(d) Any new tertiary health services offered in or through a health care facility, and not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time the facility will offer such services:

(i) Tertiary services include the following:

(A) Specialty burn services;

(B) Intermediate care nursery, consistent with chapter 248-18 WAC;

(C) Neonatal intensive care nursery, consistent with chapter 248-18 WAC;

(D) Obstetric services level II. A level II service provides a full range of maternal and neonatal services for uncomplicated patients. Level II units will also provide a full range of services for the majority of complicated obstetrical problems and certain neonatal illnesses. Level II units will have a highly trained multidisciplinary staff;

(E) Obstetric services level III. Level III services are provided to the few women and infants requiring full intensive care services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research;

(F) Transplantation of specific solid organs, including, but not limited to, heart, liver, pancreas, lung, and kidney. A transplantation service for each solid organ is considered a separate tertiary service;

(G) Open heart surgery;

(H) Megavoltage radiation therapy;

(I) Cardiac catheterization;

(J) Percutaneous transluminal coronary angioplasty (PTCA);

(K) Rehabilitation services level III. Level III rehabilitation services are services for persons with usually nonreversible, multiple function impairments of a moderate-to-severe complexity resulting in major changes in the patient's lifestyle and requiring intervention by several rehabilitation disciplines. Services are provided by a multidisciplinary team, including a rehabilitation nurse; and physical, occupational, and speech therapists; and vocational counseling; and managed by a physiatrist. The service is provided in a dedicated unit with a separate nurses station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), the service is able to treat all persons within the designated diagnostic specialization regardless of the level of severity or complexity of the impairments; and

(L) Specialized inpatient pediatric services. The services are for complex pediatric cases requiring specialized equipment, as well as specialty and subspecialty personnel. The services are provided in dedicated pediatric units.

(ii) The department shall review, periodically revise, and update the list of tertiary services. The department shall change the tertiary services list through the adoption rules process and may change the list on an emergency basis;

(iii) The offering of an inpatient tertiary health service by a health maintenance organization or combination of health maintenance organizations is subject to the provisions under chapter 248-19 WAC unless the offering is exempt under the provisions of RCW 70.38.111.

(e) Any increase in the number of dialysis stations in a kidney disease center;

(f) Any capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home. However, a capital expenditure, solely for any one or more of the following, which does not substantially affect patient charges, is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, not for use in the direct provision of health services;

NEW SECTION

WAC 248-19-231 APPLICABILITY OF CHAPTER 248-19 WAC. (1) The following undertakings shall be subject to the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.

(a) The construction, development, or other establishment of a new health care facility:

(i) No new health care facility may be initiated as a health service of an existing health care facility without certificate of need approval as a new health care facility;

(ii) The extension, on a regular and ongoing basis, of the services of a home health agency or a hospice in a county not previously regularly included in the service area of that home health agency or hospice during the preceding twelve months shall be considered the development of a new home health agency or hospice.

(vi) Construction, involving physical plant facilities, including administrative and support facilities, not for use in the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt.

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to the provisions under chapter 248-19 WAC and any arrangement or commitment made for financing such undertaking;

(h) No person may divide a project in order to avoid review requirements under any of the thresholds specified under this section; and

(i) The department may issue certificates of need authorizing only predevelopment expenditures, without authorizing any subsequent undertaking for which the predevelopment expenditures are made.

(2) No person shall engage in any undertaking subject to certificate of need review unless:

(a) A certificate of need authorizing such undertaking is issued and remains valid; or

(b) An exemption is granted in accordance with the provisions of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC.

WSR 89-19-044
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed September 18, 1989, 9:37 a.m.]

Date of Adoption: September 18, 1989.

Purpose: To implement the ESB revisions in certificate of need review and specify tertiary services subject to review. Amend scope of certificate of need review and definitions.

Citation of Existing Rules Affected by this Order: Repealing WAC 248-19-230.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency adoption is necessary to maintain rules for limiting development of "tertiary health services" effective July 1, 1989, under section 825, ESB 6152. Maintaining these rules is necessary to preserve public health and safety.

Effective Date of Rule: Immediately.

September 18, 1989
Lucille Christenson
Acting Secretary

NEW SECTION

WAC 248-19-231 APPLICABILITY OF CHAPTER 248-19 WAC. (1) The following undertakings shall be subject to the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.

(a) The construction, development, or other establishment of a new health care facility:

(i) No new health care facility may be initiated as a health service of an existing health care facility without certificate of need approval as a new health care facility;

(ii) The extension, on a regular and ongoing basis, of the services of a home health agency or a hospice in a county not previously regularly included in the service area of that home health agency or hospice during the preceding twelve months shall be considered the development of a new home health agency or hospice.

(b) The sale, purchase, or lease of part or all of any existing hospital licensed under chapter 70.41 RCW or a psychiatric hospital licensed under chapter 71.12 RCW;

(c) A change in bed capacity of a health care facility increasing the total number of licensed beds or redistributing beds among acute care, skilled nursing, intermediate care, and boarding home care, as defined under RCW 18.20.020, if the bed redistribution is effective for a period in excess of six months;

(d) Any new tertiary health services offered in or through a health care facility, and not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time the facility will offer such services:

(i) Tertiary services include the following:

(A) Specialty burn services;

(B) Intermediate care nursery, consistent with chapter 248-18 WAC;

(C) Neonatal intensive care nursery, consistent with chapter 248-18 WAC;

(D) Obstetric services level II. A level II service provides a full range of maternal and neonatal services for uncomplicated patients. Level II units will also provide a full range of services for the majority of complicated obstetrical problems and certain neonatal illnesses. Level II units will have a highly trained multidisciplinary staff;

(E) Obstetric services level III. Level III services are provided to the few women and infants requiring full intensive care services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research;

(F) Transplantation of specific solid organs, including, but not limited to, heart, liver, pancreas, lung, and kidney. A transplantation service for each solid organ is considered a separate tertiary service;

(G) Open heart surgery;

(H) Megavoltage radiation therapy;

(I) Cardiac catheterization;

(J) Percutaneous transluminal coronary angioplasty (PTCA);

(K) Rehabilitation services level III. Level III rehabilitation services are services for persons with usually nonreversible, multiple function impairments of a moderate-to-severe complexity resulting in major changes in the patient's lifestyle and requiring intervention by several rehabilitation disciplines. Services are provided by a multidisciplinary team, including a rehabilitation nurse;

and physical, occupational, and speech therapists; and vocational counseling; and managed by a psychiatrist. The service is provided in a dedicated unit with a separate nurses station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), the service is able to treat all persons within the designated diagnostic specialization regardless of the level of severity or complexity of the impairments; and

(L) Specialized inpatient pediatric services. The services are for complex pediatric cases requiring specialized equipment, as well as specialty and subspecialty personnel. The services are provided in dedicated pediatric units.

(ii) The department shall review, periodically revise, and update the list of tertiary services. The department shall change the tertiary services list through the adoption rules process and may change the list on an emergency basis;

(iii) The offering of an inpatient tertiary health service by a health maintenance organization or combination of health maintenance organizations is subject to the provisions under chapter 248-19 WAC unless the offering is exempt under the provisions of RCW 70.38.111.

(e) Any increase in the number of dialysis stations in a kidney disease center,

(f) Any capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home. However, a capital expenditure, solely for any one or more of the following, which does not substantially affect patient charges, is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, not for use in the direct provision of health services;

(vi) Construction, involving physical plant facilities, including administrative and support facilities, not for use in the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt.

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to the provisions under chapter 248-19 WAC and any arrangement or commitment made for financing such undertaking;

(h) No person may divide a project in order to avoid review requirements under any of the thresholds specified under this section; and

(i) The department may issue certificates of need authorizing only predevelopment expenditures, without authorizing any subsequent undertaking for which the predevelopment expenditures are made.

(2) No person shall engage in any undertaking subject to certificate of need review unless:

(a) A certificate of need authorizing such undertaking is issued and remains valid; or

(b) An exemption is granted in accordance with the provisions of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC.

WSR 89-19-045

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed September 18, 1989, 11:15 a.m.]

Original Notice.

Title of Rule: WAC 446-20-285 Employment—Conviction records—Child and adult abuse information.

Purpose: Bring WAC's into compliance with RCW's from 1989 legislature.

Statutory Authority for Adoption: RCW 43.43.838.

Statute Being Implemented: Chapter 90, Laws of 1989.

Summary: The 1989 legislature amended chapter 486, Laws of 1987 and RCW 43.43.838 to require the agency to furnish transcripts of conviction records of crimes against children and other persons, disciplinary board final decisions and civil adjudications to certain businesses or organizations for specified purposes upon written request.

Reasons Supporting Proposal: These rules are adopted to implement the changes in the law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant Richard J. Phillips, Tumwater, Washington, (206) 753-6827.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The terminology is changed to "children or other" persons and adds offenses furnished by the state patrol. Department of Licensing disciplinary board findings of physical or sexual abuse or exploitation of a child are now expanded to include "any subsequent criminal charges associated with the conduct that is subject of the disciplinary board final decision." Another change gives the state patrol fourteen "calendar" days to respond to requests instead of fourteen working days. The last change adds the provision that the background check will satisfy future background check requirements for a "two year period." To also add offenses inadvertently

omitted in original bill and to give employers an opportunity to check more frequently for recent conviction records.

Proposal Changes the Following Existing Rules: WAC 446-20-285, see above Summary.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: G150 Training Room, General Administration Building, 11th and Columbia, Olympia, Washington 98504, on October 24, 1989, at 1:00 p.m.

Submit Written Comments to: Lieutenant Richard J. Phillips, by October 24, 1989.

Date of Intended Adoption: November 4, 1989.

September 18, 1989

George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 88-03-A, filed 3/17/88)

WAC 446-20-285 EMPLOYMENT—CONVICTION RECORDS—CHILD AND ADULT ABUSE INFORMATION. After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon the submission of a written request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6);

(2) Department of licensing disciplinary board final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision; and

(3) Civil adjudications of child abuse.

This information will be furnished, consistent with the provisions of chapter 486, Laws of 1987, on an approved request for criminal history information form available from the Washington State Patrol, P.O. Box 2527, Olympia, Washington, 98507-2527.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in chapter 486, Laws of 1987.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match, where the applicant's name and date of birth as submitted varies from that of the record contained by the identification section, the right thumb fingerprint impression will be used for identification verification purposes only. An exact name and date of birth match will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary board final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol within fourteen (~~calendar~~) working days of receipt of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

WSR 89-19-046

EMERGENCY RULES

WASHINGTON STATE PATROL

[Filed September 18, 1989, 11:18 a.m.]

Date of Adoption: September 18, 1989.

Purpose: Bring WAC's into compliance with RCW's from 1989 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 446-20-285.

Statutory Authority for Adoption: RCW 43.43.838.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 1989 legislature amended chapter 486, Laws of 1987 and RCW 43.43.838 to require the agency to furnish transcripts of conviction records of crimes against children and other persons, disciplinary board final decisions and civil adjudications to certain businesses or organizations for specified purposes upon written request. These rules are adopted to implement the changes in the law.

Effective Date of Rule: Immediately.

September 18, 1989

George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 88-03-A, filed 3/17/88)

WAC 446-20-285 EMPLOYMENT—CONVICTION RECORDS—CHILD AND ADULT ABUSE INFORMATION. After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon the submission of a written request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6);

(2) Department of licensing disciplinary board final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision; and

(3) Civil adjudications of child abuse.

This information will be furnished, consistent with the provisions of chapter 486, Laws of 1987, on an approved

request for criminal history information form available from the Washington State Patrol, P.O. Box 2527, Olympia, Washington, 98507-2527.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in chapter 486, Laws of 1987.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match, where the applicant's name and date of birth as submitted varies from that of the record contained by the identification section, the right thumb fingerprint impression will be used for identification verification purposes only. An exact name and date of birth match will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary board final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol within fourteen (~~calendar~~) working days of receipt of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

WSR 89-19-047
WITHDRAWAL OF PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 18, 1989, 4:34 p.m.]

This memorandum is sent pursuant to WAC 1-21-060 as a notice of withdrawal, withdrawing WUTC Docket No. U-88-2474-R, in the matter of amending WAC 480-12-250, 480-30-120, 480-90-031, 480-100-031 and 480-110-031. Intention to amend was noticed under WSR 88-23-030 filed November 8, 1988.

Paul Curl
Secretary

WSR 89-19-048
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 18, 1989, 4:36 p.m.]

Original Notice.

Title of Rule: WAC 480-12-250, 480-30-120, 480-62-085, 480-70-350, 480-75-010, 480-90-031, 480-100-031, 480-50-090, 480-110-031 and 480-120-033 relating to accounting and reporting requirements. The proposed new and amendatory sections are shown below as Appendix A, Docket No. U-89-3099-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed changes on economic values, pursuant to chapter 43.21H RCW.

Statutory Authority for Adoption: RCW 80.01.040, chapter 107, Laws of 1989.

Statute Being Implemented: RCW 81.80.130, 81.80.140, 81.68.030, 81.24.020, 81.24.030, 81.77.030, 80.24.010 and 81.24.010.

Summary: In each instance, provides a time for filing annual reports, and periodic reports in some instances. As motor common and contract carriers, the proposed rules adjust classes of carriers, and relieves some regulatory reporting requirements. As to auto transportation companies, eliminates all classes and excursion service companies; provides for filing reports by common carrier railroads and petroleum pipelines, and specifies a time for filing of reports by gas, electric, and telecommunications companies, passenger and ferry steamboat companies, and garbage and refuse collection companies. Heretofore, time lines for filing annual reports were governed by statute. Chapter 107, Laws of 1989, provided that the commission was to establish those time lines by rule. This proposal accomplishes that objective. The rule also eases reporting requirements for various types of public service companies by changing classifications, and eliminating some periodic reporting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Acting Secretary, and commission staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule and its purpose are explained previously. The anticipated effect is to facilitate the accumulation of historical data for reporting purposes by extending the reporting deadline one month; and adjust some classifications to relieve periodic reporting requirements.

Proposal Changes the Following Existing Rules: Modifies due dates for reports and revises reporting classifications.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Generally relieves rather than imposes regulatory burdens.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on October 25, 1989, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Acting Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by October 16, 1989.

Date of Intended Adoption: October 25, 1989.

September 18, 1989

Paul Curl
Acting Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-250 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers in the state of Washington operating under chapter 81.80 RCW. A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following three classes:

- Class I - Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property.
- Class II - Common carriers having average annual gross operating revenues (including interstate and intrastate) of more than \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property.
- Class III - Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property and all contract carriers.

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual

gross operating revenues. Notice of such action shall be promptly filed with the commission.

(3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, common and contract carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than ~~((April))~~ May 1st of the succeeding year.

~~(5) ((All Class I and Class II common and contract carriers in the state of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers:))~~

~~((6))~~ Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual ~~((or quarterly))~~ reports.

~~((7))~~ (6) Annual reports filed by carriers holding garbage and/or refuse collection certificates and common and/or contract carrier permits must comply with reporting requirements provided in WAC 480-70-230.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-120 UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS. (1) ~~((The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies and excursion service companies in the state of Washington, operating under chapter 81.68 RCW:))~~ A uniform system of accounts is hereby adopted and prescribed for the use of Class ~~((H and Class HH))~~ I auto transportation companies ~~((and excursion service companies))~~ in the state of Washington operating under chapter 81.68 RCW. Said uniform system of accounts is entitled "uniform system of accounts for Class ~~((H))~~ I auto transportation companies operating under certificates ~~((and Appendix 'A' uniform system of accounts for Class III auto transportation companies and excursion service companies))."~~

(2) The various auto transportation companies ~~((and excursion service companies))~~ shall ~~((be divided into three classes as per average yearly gross revenue according to the following schedule:))~~ all be classified as Class I.

~~((Class I. Those having average annual gross operating revenue of \$3,000,000 or over.~~

~~Class II. Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000.~~

~~Class III. Those having average annual gross operating revenue less than \$200,000:))~~

(3) Each auto transportation company ~~((and excursion service company))~~ must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) ~~((hereof))~~ of this section, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company ~~((and excursion service company))~~ must secure from the commission two copies of the ~~((form of))~~ annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than ~~((April))~~ May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) of this section must be filed immediately covering the period from the first of the year to the date on which the auto transportation company ~~((or excursion service company))~~ ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior

to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company (~~(or excursion service company)~~) operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company (~~(and excursion service company)~~) must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

NEW SECTION

WAC 480-62-085 ANNUAL REPORTS. The annual report form R1 promulgated by the Interstate Commerce Commission is hereby adopted for Class I railroad companies. The commission shall publish the annual report forms for the Class II and Class III railroad companies. At the close of each calendar year every railroad company must secure from the commission two copies of the annual report form applicable to its business. The annual report is to be completed for the calendar year's operations. One copy of the completed annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

AMENDATORY SECTION (Amending Order R-167, filed 7/22/81)

WAC 480-70-350 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) Effective January 1, (~~(+1962)~~) 1989, a "uniform system of accounts" is hereby prescribed for use of garbage and/or refuse collection companies in the state of Washington operating under chapter 295, Laws of 1961 [chapter 81.77 RCW].

(2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:

- Class A - Those carriers having an annual yearly gross revenue of \$500,000 or over per year.
- Class B - Those carriers having an annual yearly gross revenue of less than \$500,000 per year.

As set forth in the above classification (~~(of accounts)~~), any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

(3) Each garbage and/or refuse collection company must secure from the commission a copy of the "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, garbage and/or refuse collection companies shall secure from the commission the proper forms and make and file annual reports as soon after the close of the calendar year as possible, but in no event later than (~~(April)~~) May 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the garbage and/or refuse collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the garbage and/or refuse collection company operated and shall show on the face thereof the exact period covered thereby.

(6) Each garbage and/or refuse collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route order, for a period of three years subject to inspection by the commission so that

the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same.

Chapter 480-75 WAC
PETROLEUM PIPELINE COMPANIES

WAC
480-75-010 Annual reports.

NEW SECTION

WAC 480-75-010 ANNUAL REPORTS. The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission is hereby adopted for all petroleum pipeline companies. At the close of each calendar year every petroleum pipeline company must secure from the commission two copies of the annual report forms. The annual report is to be completed for the calendar year's operations. One completed copy of the annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

AMENDATORY SECTION (Amending Order R-302, filed 6/7/89)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A and B gas utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report FERC Form 2 promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all gas companies. The annual report for the preceding calendar year will be due by May 1.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Gas utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This

statement is due within sixty days after the end of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

(9) The annual budget of expenditures (~~shall be submitted~~) form for budgetary reporting for gas utilities will be published by this commission in accordance with chapter 480-140 WAC.

AMENDATORY SECTION (Amending Order R-302, filed 6/7/89)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A and B electric utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all electric companies. The annual report for the preceding calendar year will be due by May 1. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each electric company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and power supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records.

(7) Electric utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

(9) The annual budget of expenditures (~~shall be submitted~~) form for budgetary reporting for electric utilities will be published by the commission in accordance with chapter 480-140 WAC.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-50-090 ANNUAL REPORTS. (1) "Passenger and ferry steamboat companies" shall at the close of each year file with the

commission reports covering their operations during the preceding calendar year, such annual reports to contain the data and information required by and to be prepared on forms which shall be obtained for that purpose from the commission. Such annual report must be filed with the commission as soon after the close of each calendar year as possible but in no event later than (~~April~~) May 1st of the succeeding year.

(2) "Passenger and ferry steamboat companies" shall on or before the first day of April of each year file with the commission a statement showing the gross operating revenue of such company for the preceding calendar year. (~~The annual report required by subsection (1) shall contain the statement of gross operating revenue and other information therein required.~~) The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.020.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A, B, and C (~~and D~~) water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of water utilities in the state of Washington.

(2) Water utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	\$100,000 or more
B	\$50,000 to \$100,000
C	\$25,000 to \$50,000
D	less than \$25,000
A	\$750,000 or more
B	\$150,000 to \$750,000
C	less than \$150,000

(3) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of water companies: PROVIDED, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(4) Any provisions contained in the uniform system of accounts adopted in (~~paragraph~~) subsection (1) (~~above~~) of this section which is contrary to (~~paragraphs~~) subsections (2) and (3) (~~above~~) of this section are hereby deleted.

(5) The annual report forms for all classes of water utilities shall be published by this commission and any change will only be accomplished after due notice and order of this commission. One copy of the annual report must be filed as soon after the close of the calendar year as possible; but in no event later than May 1 of the succeeding year.

(6) The results of operations reported by each water utility in its annual report to the commission shall agree with the results of operations shown on its books and records.

(7) Any additional data required of this commission in reporting requirements will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures (~~shall be submitted~~) form for budgetary reporting purposes for water utilities shall be published by this commission in accordance with chapter 480-140 WAC. The annual budget of expenditures is due by January 1. This annual budget of expenditures will be required for all water utilities with annual gross operating revenues over \$150,000.

AMENDATORY SECTION (Amending Order R-247, filed 6/27/86)

WAC 480-120-033 ACCOUNTING AND REPORTING REQUIREMENTS FOR COMPETITIVE TELECOMMUNICATIONS COMPANIES. Competitive telecommunications companies shall, at a minimum, keep accounts according to generally accepted accounting principles and file annually, on a form prescribed by the commission, a certified consolidated financial statement which specifies revenues from intrastate operations. This annual report is due by May 1st of the succeeding year. Competitive telecommunications companies shall also make available, at the time and place the commission may designate, such accounting records as the commission may request. Such companies shall also keep on file at the commission current price lists and service standards.

WSR 89-19-049

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-110—Filed September 18, 1989, 4:58 p.m.]

Date of Adoption: September 18, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100S.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Columbia River Compact at its September 14, 1989, meeting.

Effective Date of Rule: Immediately.

September 18, 1989

Judith Merchant

Deputy Director

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05100T COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish or possess salmon and shad under the following provisions:

Open: for salmon and shad

Time: 6:00 a.m. September 20 to 6:00 p.m. September 24, 1989.

Area: 1F, 1G, and 1H

Mesh: 8 inch minimum mesh.

All sturgeon must be released and returned to the water immediately.

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period August 28 through September 20, the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington

shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100S COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (89-94)

WSR 89-19-050

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-111—Filed September 18, 1989, 4:59 p.m.]

Date of Adoption: September 18, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02100E.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are 2,200 chinook remaining on the Hump Tulips quota. Additional fishing time is needed to harvest these fish.

Effective Date of Rule: 6:00 p.m., September 18, 1989.

September 18, 1989
Judith Merchant
Deputy Director
for Joseph R. Blum
Director

NEW SECTION

WAC 220-36-02100F GRAYS HARBOR GILL NET SEASON Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-031, effective 6:00 p.m. September 18 until further notice, it is unlawful to fish for, or possess salmon and sturgeon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Areas except as provided for in this section:

- Open to gill net gear
- 6 PM September 19 to 6 PM September 21 in SMCRA 2C
- 6 AM to 6 PM September 25 in SMCRA 2C
- 6 PM October 27 to 6 PM October 28 in SMCRA 2B
- 6 PM October 30 to 6 PM October 31 in SMCRA 2B

Gill net gear shall be used as provided for in WAC 220-36-015 except, prior to October 1, there is no maximum mesh size.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100E GRAYS HARBOR GILL-NET SEASON. (89-104)

WSR 89-19-051

**NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION**

[Memorandum—September 20, 1989]

The November 2-3, 1989, regular meeting of the Interagency Committee for Outdoor Recreation will be held at the Governor House Hotel and Conference Center, 621 Capitol Way South, Olympia, Washington, beginning at 9:00 a.m. on November 2nd. The meeting will continue on Friday, November 3.

This meeting is a funding session for both local agencies' grant-in-aid projects and nonhighway and off-road vehicles activities (NOVA) projects as indicated below:

LOCAL AGENCIES GIA PROJECTS	10:00 a.m.	Thursday, November 2
NOVA PROJECTS	2:00 p.m.	Thursday, November 2
	9:00 a.m.	Nonhighway Road Projects Friday, November 3
		Off-Road Vehicle and Planning Projects

WSR 89-19-052

**PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed September 19, 1989, 2:17 p.m.]

Original Notice.

Title of Rule: Chapter 308-106 WAC, Mandatory insurance.

Purpose: Define the content of the insurance identification card mandated by chapter 353, Laws of 1989.

Statutory Authority for Adoption: RCW 46.01.110 and section 3, chapter 353, Laws of 1989.

Statute Being Implemented: Chapter 353, Laws of 1989.

Summary: Requires drivers of motor vehicles registered under chapter 46.16 RCW, subject to exemptions provided by chapter 353, Laws of 1989, to carry an identification card showing that they have liability coverage. Defines content of card.

Reasons Supporting Proposal: Necessary to implement chapter 353, Laws of 1989.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, (206) 753-1134; Implementation and Enforcement: Joan L. Baird, Highways-Licenses Building, (206) 753-6977.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Requires that the driver of a motor vehicle subject to registration under chapter 46.16 RCW, subject to exceptions in chapter 353, Laws of 1989, have an identification card issued by an insurance company, self-insurer, etc. showing liability coverage. Defines the content of the card.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, Highways-Licenses Building, 4th Floor, Olympia, Washington 98504, on October 25, 1989, at 1:30 p.m.

Submit Written Comments to: Clark J. Holloway, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 19, 1989

Joan Baird
Assistant Director
Driver Services

Proposed WAC Chapter
Chapter 308-106 WAC
MANDATORY INSURANCE

NEW SECTION

WAC 308-106-010 INSURANCE IDENTIFICATION CARD.

(1) Any person who operates a motor vehicle subject to registration under chapter 46.16 RCW must have an identification card in his or her possession, as required by section 4(1), chapter 353, Laws of 1989, unless exempt under section 2 (4)(a) or (b) of that chapter.

(2) In the event that an identification card contains a description of the insured vehicle(s), and the person acquires any additional or replacement vehicle(s), possession of a valid insurance identification card previously issued, along with proof of recent acquisition or transfer of ownership of the additional or replacement vehicle(s), shall be deemed to fulfill the requirements of this section for a period not to exceed thirty days after such vehicle(s) was acquired. The person must notify the company issuing the identification card of the acquisition of the additional or replacement vehicle(s) within fifteen days of acquisition. Possession of any binder issued pending the issuance of a motor vehicle liability policy shall likewise be deemed to fulfill the requirements of this section.

NEW SECTION

WAC 308-106-020 INSURANCE IDENTIFICATION CARD—CONTENT. Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policy holder with an identification card that is to include, at a minimum:

- (a) The name of the insurance company;
- (b) The policy number;
- (c) The effective date of the policy;
- (d) The expiration date of the policy; and

(e) A description of the year, make and model of the insured vehicle(s) and/or the name of the insured driver. If there are five or more vehicles under common ownership, the word "Fleet" may be used in place of the vehicle description. The insurance company may issue a supplemental listing of vehicles covered.

If an insurance company issues an identification card containing information in addition to that identified above, the above information shall be printed in such a way so as to be readily discernible. To the extent practical, the insurance identification card shall be printed in a manner so as to discourage tampering.

NEW SECTION

WAC 308-106-030 INSURANCE IDENTIFICATION CARD—SELF-INSURANCE—CERTIFICATE OF DEPOSIT—

BOND. A person or organization providing proof of compliance through self-insurance, as provided in RCW 46.29.630, certificate of deposit, as provided in RCW 46.29.550, or bond, shall provide an identification card to all covered drivers. The card shall contain the following information:

- (a) For persons or organizations who are self-insured:
 - (i) The self-insurance number issued by the department of licensing;
 - (ii) The effective date of the certificate of self-insurance; and
 - (iii) A description of the year, make and model of the vehicles covered by the certificate of self-insurance and/or the name of the driver covered by the certificate of self-insurance. The word "Fleet" may be used in place of the vehicle description. The person or organization may issue a supplemental listing of vehicles covered;
- (b) For persons or organizations who are covered by a certificate of deposit:
 - (i) The certificate number issued by the state treasurer; and
 - (ii) The name of the driver covered by the certificate of deposit;
- (c) For persons or organizations covered by a liability bond:
 - (i) The name of the company issuing the bond;
 - (ii) The bond number; and
 - (iii) The name of the driver covered by the bond.

WSR 89-19-053

PERMANENT RULES

DEPARTMENT OF HEALTH (Examining Board of Psychology)

[Order PM 862—Filed September 19, 1989, 4:03 p.m.]

Be it resolved by the Examining Board of Psychology, acting at the Best Western Airport Executel, Conference Room 2, 20717 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to the amending of WAC 308-122-360, 308-122-370, 308-122-380, 308-122-390, 308-122-400, 308-122-410, 308-122-420, 308-122-430, 308-122-440, 308-122-450 and 308-122-500; and new sections WAC 308-122-503, 308-122-550, 308-122-555, 308-122-560, 308-122-565, 308-122-570, 308-122-575 and 308-122-580.

This action is taken pursuant to Notice No. WSR 89-14-090 filed with the code reviser on June 30, 1989. 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 Examining Board of Psychology as authorized in RCW 18.83.090.

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

APPROVED AND ADOPTED September 8, 1989.

By Kathleen Worsley, Ph.D.
Chair

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-360 ((PSYCHOLOGISTS—)) CERTIFICATES OF QUALIFICATION. Procedures by which the Washington state board of psychologist examiners approves certificates of qualification are primarily based upon RCW 18.83.105 that states: "The

board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of doctor of philosophy or its equivalent in psychology from an accredited educational institution." Procedures and rules established by the board are as follows.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-370 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—TITLE**. Applicants receiving the certificates of qualification shall hold the title of "psychological assistant," unless the board approves the applicant's petition to work without immediate supervision in which case the applicant shall hold the title of "psychological affiliate."

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-380 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—EDUCATIONAL REQUIREMENTS**. The applicant shall have received at least a master's degree in psychology or a degree considered equivalent by the board. The applicant must have completed an adequate major in psychology from a regular graduate program of an accredited institution, as evaluated by the board.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-390 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—EXPERIENCE AND TRAINING REQUIREMENTS**. The applicant shall have completed at least three years of full time experience or its equivalent satisfactory to the board. All of the supervisors of the experience time shall be listed on the application form as references. The applicant shall have completed a minimum of one year's experience practicing psychology under qualified and appropriate supervision, after receiving the graduate degree. It is the candidate's responsibility to describe the way in which he or she meets these supervision requirements. Ordinarily this description will delineate the nature and objectives of his supervision, the ways in which the activities supervised met these objectives, and the specifics of time, place, frequency, and type of contact (e.g. observation, audio-tapes, video-tapes, co-counseling).

While the board does not prescribe exact supervision requirements, it does subscribe to certain principles and guidelines regarding effective supervision. Effective supervision is viewed as that which is planned and systematic, psychological in nature, intensive in depth of analysis; and involving direct or taped observation and critique on a regular basis.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-400 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—PSYCHOLOGICAL FUNCTIONS**. Applicants for certificates of

qualification shall receive the certificates in specific areas of competence. Certificates shall indicate the general title "psychological assistant" or "psychological affiliate" along with a specific function. The specific functions may include:

- (1) Intellectual and/or personality assessment. (e.g. psychometrist or neuropsychological technician.)
- (2) Educational-vocational counseling. (e.g. educational counselor, high school or college counselor, vocational counselor or rehabilitation counselor.)
- (3) Mental health counseling. (e.g. alcohol and drug counselor, behavior modification counselor, or group counseling co-leader.)
- (4) Educational development and learning. (e.g. counseling and evaluation of education related problems.)
- (5) Research.
- (6) Industrial/organizational development. (e.g. personnel technician, group process co-leader, organizational development staff member.)

Specific functions other than those listed above may be suggested by applicants and subsequently determined and approved by the board.

AMENDATORY SECTION (Amending Order PL 346, filed 6/9/80)

WAC 308-122-410 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—WRITTEN EXAMINATION**. The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be 75% of the raw score. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-420 ((PSYCHOLOGISTS)) **CERTIFICATES OF QUALIFICATION—ORAL EXAMINATION**. Each oral examination conducted by the board shall include questioning in the following areas:

- (1) Professional judgment in the applicant's specialty areas; and
- (2) Knowledge of current laws regulating the practice of psychology; and
- (3) Knowledge and awareness of ethical issues and problems in the applicant's specialty areas and for psychologists in general; and
- (4) Knowledge and skills in areas in which the applicant considers himself/herself competent to offer psychological services; and
- (5) Applicant's past supervision and career plans; and
- (6) Applicant's plans for professional development and continued supervision.

In the event that an applicant fails in the initial oral examination he or she may be rescheduled for another oral examination before the board.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-430 ((PSYCHOLOGISTS)) CERTIFICATES OF QUALIFICATION—PROCEDURE FOR ADDITIONAL AREAS OF FUNCTION. A person receiving a certificate of qualification may apply for certification in an additional area of function by updating his/her application form and references, submitting the required fee and by taking an oral examination in the new area following the procedures outlined above.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-440 ((PSYCHOLOGISTS=
)CONTINUED SUPERVISION OF PERSONS RECEIVING CERTIFICATES OF QUALIFICATION.

(1) The law states that the holder of a certificate of qualification must perform psychological functions "under the periodic direct supervision of a psychologist licensed by the board." The board's interpretation of this statement is that the psychological assistant is certified in tandem with a licensed psychologist and not in his or her own right. That is, the board will evaluate simultaneously the professional capabilities of the applicant and the qualifications of the licensed psychologist to supervise the assistant in the specific professional functions outlined by the assistant. The board's approval of an association between a psychological assistant and a licensed psychologist is done purely on an examination of the professional qualifications of the two parties concerned and on the execution of an agreement between the two of them as proposed supervisor and supervisee. The board in no way involves itself with the specific work conditions, fees, salaries, and related factors except insofar as they have a bearing on the quality of the professional relationship or services offered to the public.

(2) The applicant must indicate on the application form, in detail, his or her areas of intended practice. After initial screening (evaluation of the person's education, experience and supervision) and passing the national written examination, the applicant shall furnish the board with a plan for continued supervision which will include detailed information regarding the supervisor which indicates an agreement to supervise. The board will use this information in conjunction with the oral examination to assess the supervision plans.

(3) Minimum supervision shall entail discussion of the assistant's work through regularly scheduled contacts with the supervisor at appropriate intervals. Whenever possible, supervision should consist of occasional direct observation or review of taped case material. The supervisor shall be responsible for preparing evaluative reports of the assistant's performance, which will be forwarded to the division of professional licensing on a periodic basis.

(4) When a licensed psychologist assumes the responsibility of supervision, he or she shares the professional and ethical responsibility for the nature and quality of all of the psychological services as the assistant may

provide. Failure to provide supervision when such a relationship is claimed may result in appropriate action against the license of the supervisor.

(5) Interruption or termination of a supervisory relationship shall be promptly communicated to the division of professional licensing.

(6) In every case where psychological testing is done and a report is written based on that testing by a psychological assistant, the supervising licensed psychologist will countersign the report indicating his approval.

(7) An applicant or holder of a certificate may apply to the board for authority to work without immediate supervision in particular areas of function. In these cases the board may require further evidence of proficiency. Even though the immediate supervision requirement is waived for the psychological affiliate, periodic supervisory consultation as deemed appropriate by the board is required. Evidence of supervisory consultation must be submitted to the division of professional licensing with the annual license fee.

AMENDATORY SECTION (Amending Order PL 202, filed 10/1/75)

WAC 308-122-450 ((PSYCHOLOGISTS)) CERTIFICATES OF QUALIFICATION—REPRESENTATIONS TO CLIENTS. (1) Each client of the psychological assistant or psychological affiliate must be informed of the nature of the assistant's or affiliate's professional status, the function in which he or she is certified, and the fact that said assistant is under the supervision of a licensed psychologist.

(2) Only psychological affiliates may advertise their services (e.g. representations of themselves in telephone directories and announcements and on business cards). In doing so, the affiliate must list the functions for which he or she is certified and state his or her academic degree.

AMENDATORY SECTION (Amending Order PL 578, filed 2/5/86)

WAC 308-122-500 CONTINUING EDUCATION—PURPOSE AND SCOPE. The ultimate aim of continuing education is to ensure the highest quality of professional work. Continuing ((psychology)) psychological education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in the science and applications of psychology as ((applied)) appropriate to the work settings. The objectives are to improve and increase the ability of the psychologist or psychological associate or affiliate to deliver the highest possible quality of psychological work and to keep the ((professional)) psychologist or associate or affiliate abreast of current developments in a rapidly changing field. All psychologists((;)) licensed pursuant to chapter 18.83 RCW, and psychological associate or affiliate holders of certificates of qualification issued pursuant to RCW 18.83.105 (all types hereafter referred to as licenses) will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

NEW SECTION

WAC 308-122-503 STAGGERED EFFECTIVE PERIODS FOR NEW CONTINUING EDUCATION RULES, WAC 308-122-550 THROUGH 308-122-580. (1) WAC 308-122-505 through 308-122-545 applies to those licensees who are required to submit affidavits of compliance with their 1989, 1990, or 1991 renewal of licenses for the continuing psychological education as attested to on those affidavits.

(2) For those licensees who have submitted or are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1989, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1992 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

(3) For those licensees who are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1990, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1993 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

(4) For those licensees who are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1991, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1994 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

NEW SECTION

WAC 308-122-550 CONTINUING EDUCATION REQUIREMENTS. (1) The Washington state examining board of psychology (hereafter referred to as the board) requires a minimum of eighty credit hours of continuing psychological education (hereafter referred to as CPE) every three years.

(2) One clock hour of instruction and/or training shall equal one credit hour for the purpose of satisfying the eighty hour CPE requirement.

(3) All licensees will be on the three-year cycle. All new licensees licensed after the effective date will have three years from their next birthday to show evidence of eighty CPE hours.

(4) Credit hours that are in excess of the requirements set forth cannot be credited to CPE requirements for any succeeding three-year cycle.

(5) A minimum of four hours credit must be earned in ethics every three years prior to renewal of license. Ethics to be covered, dependent upon the licensee's primary area(s) of function, are practice, consultation, research, teaching, and/or supervision.

(6) Faculty providing CPE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated expertise in the areas in which they are instructing.

NEW SECTION

WAC 308-122-555 DEFINITION OF CREDITABLE CPE. (1) CPE activities shall be a minimum of

three credit hours dealing with the same topic or subject matter. The required minimum of three credit hours need not be three continuous hours, however, the three hours must be at consecutive sessions and must deal with the same topic or subject matter.

(2) All CPE activities shall be directly relevant to maintaining or increasing professional or scientific competence in psychology. Courses or workshops primarily designed to increase practice income or office efficiency, while valuable to the licensee, are specifically noneligible for CPE credit.

(3) Recognized activities shall include:

(a) Courses, seminars, workshops and post-doctoral institutes offered by educational institutions chartered by a state and recognized (accredited) by a regional association of school, colleges and universities that meet the requirements of this subsection.

(b) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored or accredited by the National Academy of Professional Psychologists, the American Psychological Association, regional psychological associations, the Washington State Psychological Association and its chapters, other states' psychological associations which have CPE programs or requirements, agencies with American Psychological Association approved internship programs and other professionally or scientifically recognized behavioral science organizations, including but not limited to, the National Association of Social Work (NASW), National Training Lab (NTL), American Association for Counseling and Guidance (AACG), Veterans Administration Regional Medical Education Centers (RMEC), American Medical Association (AMA), Northwest Family Training Institute (NFTI), Mental Research Institute (MRI), American Association for Behavior Therapy (AABT), Society of Behavioral Medicine (SBM), Association for Applied Psychophysiology and Biofeedback (AAPB), American Orthopsychiatric Association (AOA). These must meet the requirements of this subsection.

NEW SECTION

WAC 308-122-560 DEFINITION OF ACCEPTABLE DOCUMENTATION AND PROOF OF CPE.

(1) Licensees are responsible for acquiring and maintaining all acceptable documentation of their CPE activities.

(2) In order to be acceptable to the board upon audit, documentation shall include transcripts, letters from course instructors, or certificate of completion. In all cases other than transcripts, the participant's name, the activity title, number of activity credit hours, activity date(s), faculty signature and degree (when appropriate), and signature and title of verifying individual must be clearly evident.

NEW SECTION

WAC 308-122-565 CONTINUING EDUCATION—SPECIAL CONSIDERATIONS. (1) The board will accept evidence of diplomate award by the

American Board of Examiners in Professional Psychology (ABPP) in lieu of eighty hours of CPE for that three year period in which the diplomate was awarded.

(2) Credit hours may be earned for other specialty board, education awards, or diploma certifications if and when such are established.

(3) Psychologists or psychological associates licensed in Washington state who wish to retain their Washington license, but are working and living in another state, United States territory or country, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and partial or total approval based on conformity to the board's CPE requirements.

NEW SECTION

WAC 308-122-570 CONTINUING EDUCATION—ENFORCEMENT. (1) Certificate of compliance: Every third year, in conjunction with the application for renewal of license, a licensee shall submit an affidavit of compliance with the eighty hours CPE requirement on a form supplied by the board. Failure to submit such affidavit at licensure renewal time, or submission of the affidavit in such manner that CPE compliance cannot be determined by the board will result in denial of renewal of license. Renewal will be based on decision of the board after compliance requirement is adequately met.

(2) Audit: A percentage, which shall be determined by the board, of all licensees' affidavits submitted along with license renewal applications will be regularly audited by the board. Upon audit, it is the sole responsibility of the licensee to submit copies of the appropriate and acceptable documentation to the board. Failure to comply with the audit documentation request, or failure to supply acceptable documentation within sixty days from date of audit request (in the absence of justification acceptable to the board) shall result in disciplinary action until compliance is deemed acceptable by the board.

(3) Failure to meet CPE requirements within each three year time period shall result in disciplinary action by the board. The licensee may petition the board for a hearing. License reinstatement will be based on decision of the board.

NEW SECTION

WAC 308-122-575 CONTINUING EDUCATION—EXEMPTIONS. In the event a licensee fails to meet requirements, because of illness, retirement (with no further provision of psychological services to consumers), failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant a time extension. The board may, in its discretion, limit in part or in whole the provision of psychological services to the consumers until the CPE requirements are met. In the case of retirement or illness,

the board may grant indefinite waiver of CPE as a requirement for relicensure, provided an affidavit is received indicating he psychologist is not providing psychological services to consumers. If such illness or retirement status is changed or consumer psychological services are resumed, it is incumbent upon the licensee to immediately notify the board and to resume meeting CPE requirements for relicensure. CPE credit hours will be prorated for the portion of that three year period involving resumption of such services.

NEW SECTION

WAC 308-122-580 CONTINUING EDUCATION—PROGRAM OR COURSE APPROVAL. (1) The board will accept CPE that meets the requirements of this chapter. The board relies upon each individual licensee's integrity and the integrity of CPE providers to comply with the intent and spirit of the CPE requirements.

(2) CPE program sponsors or institutes should not apply for, nor expect to receive, prior or current board approval for CPE status. Audits of individual licensee's CPE shall be performed in accordance with specifications indicated in WAC 308-122-523 and 308-122-530.

WSR 89-19-054

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed September 20, 1989, 8:59 a.m.]

Original Notice.

Title of Rule: WAC 308-138A-025 Osteopathic physician's assistant prescriptions.

Purpose: To eliminate the five year practice requirement for independent prescriptive privileges for osteopathic physician assistants to prescribe Schedule III-V controlled substances.

Statutory Authority for Adoption: RCW 18.57A.020, 18.57.005 and 18.130.050.

Statute Being Implemented: Chapter 18.57A RCW.

Summary: The issue of an osteopathic physician being reject[ed] for employment at one of the correctional facilities because of the restrictive rules for supervision of physician assistants, brought the matter to the board for consideration.

Reasons Supporting Proposal: Bring more consistency between both physician assistant professions and provide greater employment opportunities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street, Olympia, WA, (206) 586-8438.

Name of Proponent: Board of Osteopathic Medicine and Surgery, Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is intended to regulate prescribing by osteopathic physician assistants. The rule will permit prescribing privileges to be more consistent between the two

physician assistant professions and provide greater employment opportunities for both osteopathic physicians and physician assistants.

Proposal Changes the Following Existing Rules: Eliminates the five year practice requirement for independent prescribing privileges of controlled substances.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, Regional Office, Suite 300, 464 12th Avenue, Seattle, WA, on November 3, 1989, at 9:30 a.m.

Submit Written Comments to: Board of Osteopathic Medicine and Surgery, P.O. Box 9012, Olympia, Washington 98504, by November 2, 1989.

Date of Intended Adoption: November 3, 1989.

September 11, 1989

Arlene Robertson
Program Manager

AMENDATORY SECTION (Amending Order PM 723, filed 4/15/88)

WAC 308-138A-025 OSTEOPATHIC PHYSICIAN'S ASSISTANT PRESCRIPTIONS. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician and physician assistant. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number ~~((of))~~ or physician assistant drug enforcement administration registration number.

(c) Prescriptions for legend drugs and schedule three through five controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in subsection (6) of this section.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his or her supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for ~~((48))~~ forty-eight hours, except as provided in subsection (7) of this section. The medication so dispensed must comply with the state law prescription labeling requirements.

(6) Authority to issue prescriptions for legend drugs and schedule three through five controlled substances without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician's assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) ~~((Passed))~~ A current certification from the National Commission on Certification of Physician Assistants' ((certification examination));

(c) ~~((Had five years experience in primary health care, including the use of prescription drugs;~~

~~((d)) Presented evidence to the board verifying his or her prescriptive writing experience and ability;~~

~~((e)) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.~~

(7) A physician assistant authorized to issue prescriptions under subsection (6) of this section may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

WSR 89-19-055

PROPOSED RULES

BOARD OF PHARMACY

[Filed September 20, 1989, 9:15 a.m.]

Original Notice.

Title of Rule: WAC 360-20-100 Drug sample prohibitions.

Purpose: To define which pharmacies may possess, distribute or dispense legend drug samples.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: Section 2, chapter 164, Laws of 1986.

Summary: WAC 360-20-100 as amended would allow certain hospital pharmacies and other health care entity pharmacies to receive sample drugs at the request of authorized health care practitioners.

Reasons Supporting Proposal: This rule implements section 2, chapter 164, Laws of 1986.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule would expand the pharmacies who could stock and dispense legend drug samples. This option would provide better control of drug samples under hospital or clinic situations.

Proposal Changes the Following Existing Rules: All hospital pharmacies instead of just nonprofit ones and other health care entity hospitals could assist in the control of drug samples at the request of an authorized health care practitioners.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 20, 1989

John H. Keith
Assistant Attorney General
Board Counsel

AMENDATORY SECTION (Amending Order 114, filed 6/28/73)

WAC 360-20-100 DRUG SAMPLE PROHIBITIONS. (1) The possession, distribution or dispensing of legend drug samples by a pharmacy is hereby prohibited.

(2) This shall not apply to any pharmacy owned and operated by a licensed hospital or authorized health care entity which (~~is nonprofit and charitable and which is entitled to receive a declaration of current tax exempt status from the government of the United States under section 501(c) of the Internal Revenue Code~~) receives and distributes drug samples at the request of an authorized practitioner pursuant to RCW 69.45.050.

(3) An authorized health care entity means any organization or business entity that provides diagnostic, medical, surgical, or dental treatment and/or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law.

WSR 89-19-056

PROPOSED RULES

BOARD OF PHARMACY

[Filed September 20, 1989, 9:17 a.m.]

Original Notice.

Title of Rule: WAC 360-32-060 Regulated steroids.

Purpose: To regulate steroids to reduce the health risks that accompany the use of these drugs for non-medical purposes.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: Section 2, chapter 369, Laws of 1989.

Summary: WAC 360-32-060 would list by name all drugs to be classified as steroids.

Reasons Supporting Proposal: This rule implements section 2, chapter 369, Laws of 1989.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides practitioners with a list of the drugs classified as steroids that may not be prescribed for the purpose of manipulating hormones to increase muscle mass, strength or weight or to enhance athletic ability without a medical necessity to do so. Practitioners prescribing any of these drugs must document the diagnosis and purpose for which it is prescribed.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 20, 1989

John H. Keith

Assistant Attorney General

Board Counsel

NEW SECTION

WAC 360-32-060 REGULATED STEROIDS. The board finds that the following drugs shall be classified as steroids for the purposes of section 1, chapter 369, Laws of 1989. The drugs designated shall include the following and any synthetic derivatives or any isomer, ester, salt, or derivative of the following that act in the same manner on the human body from the attached list:

- (1) Anabolicum
- (2) Anadrol
- (3) Anatrofin
- (4) Anavar
- (5) Androxon
- (6) Andriol
- (7) Android
- (8) bolandiol
- (9) bolasterone
- (10) boldenone
- (11) boldenone undecylenate
- (12) bolenol
- (13) Bolfortan
- (14) bolmantalate
- (15) Cheque
- (16) chlorotestosterone
- (17) clostebol
- (18) Deca Durabolin
- (19) dehydrochlormethyl-testosterone
- (20) Delatestyl
- (21) Dianabol
- (22) Dihydrolone
- (23) dihydrotestosterone
- (24) dimethazine
- (25) Drive
- (26) Drolban
- (27) drostanolone
- (28) Durabolin
- (29) Durateston
- (30) Equipoise
- (31) Esiclone
- (32) ethylestrenol
- (33) Exoboline
- (34) Finaject
- (35) Fluoxymesterone
- (36) formebolone
- (37) Halotestin
- (38) Halostein
- (39) Hombreol
- (40) Iontanyl
- (41) Laurabolin
- (42) Lipodex
- (43) Maxibolin
- (44) mesterolone
- (45) metanabol
- (46) methenolone acetate
- (47) methenolone enanthate
- (48) methandienone
- (49) methandranone
- (50) methandriol
- (51) methandrostenolone
- (52) methyltestosterone
- (53) mibolerone
- (54) Myagen
- (55) Nandrolin
- (56) nandrolone
- (57) nandrolone decanoate
- (58) nandrolone cyclotate
- (59) nandrolone phenpropionate
- (60) Nelavar
- (61) Nerobol
- (62) Nilevar
- (63) nisterime acetate
- (64) Norbolethone
- (65) Nor-Diethylin
- (66) norethandrolone
- (67) Normethazine
- (68) Omnifin
- (69) oxandrolone
- (70) oxymesterone

- (71) oxymetholone
- (72) Parabolon
- (73) Permastril
- (74) pizotyline
- (75) Primobolone/Primobolan depot
- (76) Primotestin/Primotestin depot
- (77) Proviron
- (78) Quinalone
- (79) Quinbolone
- (80) Restandol
- (81) silandrone
- (82) Sostanon
- (83) Spectriol
- (84) stanolone
- (85) stanozolol
- (86) stenbolone acetate
- (87) Stromba
- (88) Sustanon
- (89) Tes-10
- (90) Tes-20
- (91) Tes-30
- (92) Teslac
- (93) testolactone
- (94) testosterone
- (95) testosterone cypionate
- (96) testosterone enanthate
- (97) testosterone ketolaurate
- (98) testosterone phenylacetate
- (99) testosterone propionate
- (100) testosterone undecanoate
- (101) Thiomucase
- (102) tibolone
- (103) trenbolone
- (104) trenbolone acetate
- (105) trestolone acetate
- (106) Trophobolene
- (107) Winstrol

WSR 89-19-057

PROPOSED RULES

BOARD OF PHARMACY

[Filed September 20, 1989, 9:20 a.m.]

Original Notice.

Title of Rule: WAC 360-12-110 Licensed pharmacists change of address.

Purpose: To enable the board to contact pharmacists regarding pharmacy practice matters.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: WAC 360-12-110 as revised would require pharmacists to keep the board informed of a current mailing address and the location of any in state pharmacy employment.

Reasons Supporting Proposal: Without this information, it will be more difficult to contact pharmacists when needed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 360-12-110 as revised would require pharmacists to keep the board informed of a current mailing

address and the location of any in state pharmacy employment.

Proposal Changes the Following Existing Rules: Pharmacists would need to keep the board informed of a current mailing address instead of a home address; the mailing address could be used for service or delivery of all official board documents; and all pharmacists practicing in state would need to notify the board of their practice location.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 20, 1989

John H. Keith

Assistant Attorney General

Board Counsel

AMENDATORY SECTION (Amending Order 151, Resolution No. 9/79, filed 9/6/79)

WAC 360-12-110 LICENSED PHARMACISTS CHANGE OF ((HOME)) ADDRESS. (1) All licensed pharmacists shall notify the state board of pharmacy of any change of ((home)) mailing address. The board may rely upon the last mailing address of record for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents.

(2) All licensed pharmacists practicing pharmacy in the state of Washington shall notify the board of the address of any pharmacy at which they regularly practice and shall promptly notify the board of any change in pharmacy employment.

WSR 89-19-058

PROPOSED RULES

BOARD OF PHARMACY

[Filed September 20, 1989, 9:22 a.m.]

Original Notice.

Title of Rule: WAC 360-16-096 Prescription record requirements.

Purpose: To revise the prescription record storage requirements.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: Section 2, chapter 352, Laws of 1989.

Summary: WAC 360-16-096 as amended would change the prescription storage requirements from five years to two years.

Reasons Supporting Proposal: Amendment conforms rule to section 2, chapter 352, Laws of 1989.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will reduce the time pharmacies will need to maintain prescription records.

Proposal Changes the Following Existing Rules: The prescription record retention requirement is reduced from five to two years.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 20, 1989

John H. Keith

Assistant Attorney General

Board Counsel

AMENDATORY SECTION (Amending Order 221, filed 11/15/88)

WAC 360-16-096 PRESCRIPTION RECORD REQUIREMENTS. (1) Records for the original prescription and refill records shall be maintained on the filled prescription or in a separate record book or patient medication record. Such records must be maintained for a period of at least ~~((five))~~ two years and shall be made available for inspection to representatives of the board of pharmacy ~~((PROVIDED, That after two years a complete and accurate copy of the original and refill records may be maintained on microfilm, electro-magnetic tape, or other board-approved record storage and retrieval system))~~.

(2) The pharmacist shall be required to insure that the following information be recorded:

(a) Original prescription—At the time of dispensing, a serial number, date of dispensing, and the initials of the responsible pharmacist shall be placed on the face of the prescription. The patient's address must be readily available to the pharmacist, either from the face of the prescription, a record book, patient medication record, or hospital or clinic record.

(b) Refill prescription authorization—Refills for prescription for legend drugs must be authorized by the prescriber prior to the dispensing of the refill prescription.

(c) Refill prescription—At the time of dispensing, the date of refilling, quantity of the drug (if other than original), the name of authorizing person (if other than original), and the initials of the responsible pharmacist shall be recorded on the back side of the prescription, or in a separate record book or patient medication record.

(d) Prescription refill limitations—No prescription may be refilled for a period longer than one year from the date of the original prescription. "PRN" prescriptions shall expire at the end of one year. Expired prescriptions require authorization before filling. If granted a new prescription shall be written and placed in the files.

(e) Prescription copies—Prescription copies and prescription labels presented for filling must be considered as informational only, and may not be used as the sole document. The prescriber shall be contacted for complete information and authorization. If granted, a new prescription shall be written and placed on file. Copies of prescriptions must be clearly identified as such on the face of the prescription. The transfer of original prescription information is permitted if the provisions of WAC 360-16-094 are met.

(f) Emergency refills—If the prescriber is not available and in the professional judgment of the pharmacist an emergency need for the medication has been demonstrated, the pharmacist may dispense enough medication to last until a prescriber can be contacted - but not to exceed 72 hours' supply. The prescriber shall be promptly notified of the emergency refill.

WSR 89-19-059

PROPOSED RULES

BOARD OF PHARMACY

[Filed September 20, 1989, 9:25 a.m.]

Original Notice.

Title of Rule: WAC 360-12-015 Examinations, concerning the pharmacist licensure examination.

Purpose: To revise the preparation required of applicants who fail the pharmacy jurisprudence three times.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: WAC 360-12-015 would be revised to require applicants failing the jurisprudence examination to take a pharmacy law course.

Reasons Supporting Proposal: To provide more specific direction regarding remedial pharmacy law education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 360-12-015 as revised would permit an applicant needing remedial pharmacy law education to obtain it from an approved course at a school of pharmacy or through a board directed study or tutorial program.

Proposal Changes the Following Existing Rules: WAC 360-12-015 would be revised to specify that the remedial course in pharmacy law could be provided from a college or approved study or tutorial program.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 26, 1989, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 26, 1989.

September 20, 1989

John H. Keith

Assistant Attorney General

Board Counsel

AMENDATORY SECTION (Amending Order 207, filed 9/2/87)

WAC 360-12-015 EXAMINATIONS. (1) The examination for licensure as a pharmacist shall be known as the full board examination in such form as may be determined by the board.

(2) The score required to pass the ~~((over))~~ examination shall be 75. In addition, the score achieved in the jurisprudence section of the exam shall be no lower than 75 ~~((percent))~~.

(3) An examinee failing the jurisprudence section of the full board examination shall be allowed to retake the jurisprudence section at a time and place to be specified by the board.

(4) An examinee who fails the jurisprudence examination three times shall not be eligible for further examination until he or she has satisfactorily completed ~~((additional preparation as directed and))~~ a pharmacy law course provided by a college of pharmacy or board directed study or tutorial program approved by the board.

WSR 89-19-060
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed September 20, 1989, 10:04 a.m.]

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 miscellaneous leave, amending WAC 356-18-120;

that the agency will at 10:00 a.m., Thursday, October 12, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 October 10, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-13-038 filed with the code reviser's office on June 15, 1989.

Dated: September 19, 1989

By: Dee W. Henderson
 Secretary

WSR 89-19-061
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed September 20, 1989, 10:05 a.m.]

Continuance of WSR 89-16-053.

Title of Rule: New WAC 356-34-015 Predisciplinary notice.

Purpose: This proposal will establish specific requirements for notifying employees of the charges and evidence against them and allowing them a reasonable opportunity to respond prior to formal discipline.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This rule proposal is derived from rules adopted by the Higher Education Personnel Board and the federal civil service. The rule is consistent with practice already recommended by the State Personnel Board in the supervisor's guide to corrective action.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, Department of Personnel, 521 South Capitol Way, Olympia, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Andrew Wiesenfeld, Washington Public Employees Association, private.

Rule is necessary because of federal court decision, *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 89 LED 2d, 105 S. Ct. 1487 (1985), *Kenney v. DNR*, Thurston Co. No. 82-2-00133-3 (1988).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will incorporate into the merit system rules the protection required for civil service employees under *Cleveland Board of Education v. Loudermill*, 105 S. Ct. 1487 (1985). Subsequent to that decision, a draft rule appeared in the board's agenda for discussion, but no action was ever taken. WPEA is once again proposing this rule because in May 1988 the Thurston County Superior Court held that the procedure under chapter 41-06 RCW and the merit system rules are not adequate to comply with the requirements of Loudermill. Adoption of this rule will remove ambiguity and confusion relating to proper predisciplinary procedures, reduce agency and individual supervisor liability exposure and bring Department of Personnel rules into parity with other civil service systems in the state. In addition, the rule is consistent with good personnel practice.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 South Capitol Way, Olympia, WA, on October 12, 1989, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA, by October 10, 1989.

Date of Intended Adoption: October 12, 1989.

September 19, 1989
 Dee W. Henderson
 Secretary

WSR 89-19-062
PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 329—Filed September 20, 1989, 10:07 a.m.]

Date of Adoption: September 15, 1989.

Purpose: This amendment provides for the completion of background inquiries on potential employees.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-140 Background inquiries—Department of Social and Health Services.

Statutory Authority for Adoption: RCW 41.06.150.

Other Authority: Chapters 43.43 and 72.23 RCW.

Pursuant to notice filed as WSR 89-16-092 on August 2, 1989.

Changes Other than Editing from Proposed to Adopted Version: Deleted any reference to "vulnerable adults" in the new adopted language. Adding only "mentally ill persons" to the existing rule.

Effective Date of Rule: Thirty days after filing.

September 19, 1989
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 271, filed 2/24/87)

WAC 356-26-140 BACKGROUND INQUIRIES—DEPARTMENT OF SOCIAL AND HEALTH

SERVICES. (1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or treatment of children, ~~((or))~~ developmentally disabled persons, or mentally ill persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records and pending criminal charges. Inquiry findings shall be used solely for the purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section.

(2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.

(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are ~~((either))~~ children, ~~((or))~~ developmentally disabled, or mentally ill persons. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, or mentally ill persons, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.

(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.

(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.

(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:

(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it

has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(c) Pending felony charges directly related to the position.

For purposes of applying subsection (6)(a) through (c) of this section, the following offenses shall be considered directly related to all positions covered by this section: All crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as being against children or developmentally disabled persons, or mentally ill persons.

(d) Disciplinary board final decisions.

~~((d))~~ (e) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

~~((e))~~ (f) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.

(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position.

(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.

(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

WSR 89-19-063
PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 331—Filed September 20, 1989, 10:08 a.m.]

Date of Adoption: September 15, 1989.

Purpose: This section identifies procedures for requesting arbitration of grievances by the State Personnel Board.

Citation of Existing Rules Affected by this Order:
Amending WAC 356-42-055 Arbitration—Grievance—
Procedure.

Statutory Authority for Adoption: RCW 41.06.040.

Other Authority: RCW 41.06.150.

Pursuant to notice filed as WSR 89-16-093 on Au-
gust 2, 1989.

Effective Date of Rule: Thirty days after filing.

September 19, 1989

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 307,
filed 8/26/88)

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 the agency's last written response to the grievance 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 thirty calendar days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the 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 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. 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 by the board or its designee. At least twenty 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 or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(9) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

WSR 89-19-064

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 20, 1989, 11:41 a.m.]

Original Notice.

Title of Rule: Chapter 16-324 WAC.

Purpose: To correct typographical errors and strengthen rules for the production of limited generation certified seed potatoes.

Statutory Authority for Adoption: Chapters 34.05 and 15.14 RCW.

Summary: Sixteen proposed changes will clarify and improve the rules for the production of limited generation certified seed potatoes.

Reasons Supporting Proposal: The proposed changes have been requested by the Washington State Department of Agriculture and participating growers to clarify and strengthen the certification rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, Yakima, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the changes is to correct typographical errors, make editorial changes, and to clarify rules to assist growers in the production and marketing of limited generation certified seed potatoes.

Proposal Changes the Following Existing Rules: Sixteen changes in the rules will correct typographical errors, make editorial changes, and make changes in technical requirements for the production of limited generation certified seed potatoes.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Whatcom County Annex, 1000 North Forest Street, Bellingham, WA 98225, on November 2, 1989, at 1:15.

Submit Written Comments to: Max G. Long, 2015 South 1st Street, Yakima, WA 98903, by November 2, 1989.

Date of Intended Adoption: November 16, 1989.

September 20, 1989

William E. Brookerson
Assistant Director

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-360 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, Erwinia carotovora carotovora, Erwinia carotovora atroseptica and Corynebacterium sepedonicum.

(5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to (~~Ditylenchus, Pratylenchus, and~~) the genera Meloidogyne (~~(genera)~~).

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "In vitro" means in an artificial environment outside the living organism.

(8) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are micropropagated plants or microtubers produced in a greenhouse.

(9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock.

(10) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(11) "Minitubers" means tubers produced under controlled greenhouse conditions.

(12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.

(13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.

(14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.

(15) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered as culls.

(16) "Trace" means a barely perceivable indication of plant disease that amounts to less than ~~((0.00))~~ 0.001 percent.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed piece are completely removed from a field. Proper roging for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-380 CERTIFIED SEED POTATO STOCK—FEES. (1) Potato certification fees shall be twenty-seven dollars per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year: PROVIDED, That

(a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less is forty dollars minimum to be paid in full at time of application.

(c) No fees may be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee may be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected (~~on or before October 1 shall not be subject to final fees~~) before the second inspection shall not be subject to the final one-half payment fee.

Certification fees shall not be refunded after two field inspections have been completed.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees may be considered.

AMENDATORY SECTION (Amending Order 1587, filed 11/21/78)

WAC 16-324-410 WINTER TEST. (1) Purpose. The purpose of the winter test is to visually detect virus and viruslike plant symptoms in samples of the lot submitted by the grower.

(2) Details for submitting samples for winter testing will be available from (~~division of plant industry personnel~~) the department.

(3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter test tolerances for foundation seed.

(4) Lots represented in winter tests which do not meet the certification requirements of the winter test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter test facility, foundation and certified eligibility may be based on field readings.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-445 CERTIFIED SEED POTATO—GRADING INSPECTION—DISEASES AND GRADES. Grading inspections shall be made by the department on a surveillance basis. Shipping

point inspection shall be made available upon request by the grower. The quality of the grading of potatoes is the full responsibility of the grower. United States standards for potatoes shall be the official guide for applying and interpreting all definitions and terms used in this chapter in the Washington certified seed grades.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-600 LIMITED GENERATION (L.G.) CERTIFIED SEED POTATO PRODUCTION. (1) The limited generation (L.G.) program is offered as an alternative to the current program for certification of seed potatoes. This L.G. program is not intended to supersede or replace existing rules and standards for certified seed potato production. Limited generation certified seed potato production shall comply with current standards, where applicable, in addition to the following rules. The purpose of the program is to provide certification for additional kinds of propagative stock now being produced by tissue culture and/or stem cutting techniques.

(2) Eligibility - to be accepted for certification, seed stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(a) To be eligible for recertification, a seed stock shall meet or exceed minimum requirements for field inspection, latent virus testing and winter testing as prescribed in WAC 16-324-630 and 16-324-640.

(b) Applications for all lots planted for certification shall be accompanied by an eligible tag or inspection certificate in addition to winter test results and a signed grower affidavit.

(c) A limited generation seed lot which fails to meet the minimum requirements as prescribed in WAC 16-324-630 and 16-324-640 shall be classified as "certified class," and must meet minimum requirements as stated in WAC 16-324-400 and 16-324-420 to be eligible for current season certification.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-605 LIMITED GENERATION CERTIFIED SEED POTATO—REQUIREMENTS FOR PRODUCTION AND ELIGIBILITY OF PRENUCLEAR STOCK. Requirements for production and eligibility of pre-nuclear seed potato stock are as follows:

- (1) Basic requirements for plant material increase:
 - (a) All micropropagation facilities shall be approved by the department.
 - (b) All material shall be documented as to source of variety and shall be a variety approved by the department.
 - (c) All tests required shall be conducted by a third party laboratory approved by the department.
 - (d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

- (a) *Corynebacterium sepedonicum* by gram stain and immunofluorescent antibody stain and Richardsons Media. The egg-plant bioassay may be substituted for Richardsons Media.
- (b) *Erwinia* species by crystal violet pectate.
- (c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA, radioimmuno assay and nonspecific viral assay by electron microscopy or dsRNA hybridization.
- (d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers. (a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be disease tested in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber;

ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall ~~((be))~~ have been produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be free of bacterial potato pathogens. Material shall be produced under phyto-sanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as pre-nuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) The tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy the requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of pre-nuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-610 LIMITED GENERATION CERTIFIED SEED POTATO—LAND REQUIREMENTS. Land requirements in the L.G. certified seed potato program are as follows:

(1) Well water shall be the source of irrigation for pre-nuclear stock.

(2) Class Produced	Years out of potatoes (Unless prior crop was a higher class—same variety)
Prenuclear	Approved laboratory (greenhouse)
Nuclear	Six years (new ground preferred, fumigation required)
Generation I	Four years
Generation II	((Three)) <u>Two years out of potatoes unless prior crop was a higher class of same variety</u>
Generation III	Two years
Generation IV	Two years.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-620 LIMITED GENERATION CERTIFIED SEED POTATO—ISOLATION REQUIREMENTS. Isolation required for limited generation seed potato are as follows:

(1) Prenuclear - approved laboratory (greenhouse).

(2) Nuclear - Generation I: Location of field approved by the department.

(3) Generations II, III, and IV - three ~~((hundred))~~ feet from potatoes not ~~((classified as))~~ virus tested~~((:~~

~~((4) Generation III and Generation IV--))~~, and a minimum space of six feet ~~((minimum space))~~ between lots of a different class and variety.

- (5) Each lot shall remain distinctly separated in the field and in storage.
- (6) Fields shall be staked or marked so that varieties, lots, unit plantings, single drop plantings, and different seed sources can be identified.
- (7) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.
- (8) Nuclear and Generation I stocks are to be planted by a unit method. Cut seed and single drop seed shall be sorted and planted separately within the unit plot, with single drop seed identified.
- (9) Nuclear units shall be planted with a one row skip between every two rows. If a ground rig is used for spraying, a wide enough spray row shall be allowed so tires will not touch plants during the growing season.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-630 LIMITED GENERATION CERTIFIED SEED POTATO—FIELD INSPECTION TOLERANCES.

FIELD INSPECTION TOLERANCES: PERCENT DISEASES

Factor	NUCLEAR		GEN. I		GEN. II		GEN. III		GEN. IV	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.01	0.08	0.05
Pvy mosaic	0.00	0.00	0.00	0.00	0.01	TR	0.50	0.25	0.50	0.25
Leafroll	0.00	0.00	0.00	0.00	0.01	TR	0.03	.010	.080	0.05
Blackleg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total visible virus	0.00	0.00	0.10	0.00	0.20	0.10	2.00	1.00	2.00	1.00
PVX	0.00		0.50		1.00		3.00		4.00	

- (1) Two or more visual inspections shall be made of each lot by the department. Fields shall be considered ready for inspection at all times.
- (2) Leaf samples shall be submitted in late August for virus determination to an independent testing laboratory approved by the department. All classes entered for certification shall be PVX tested. The cost of foliage sample testing shall be borne by the applicant.
- (a) The minimum number of plants per lot to be sampled for latent virus determination shall be one hundred; nuclear stock ten percent of the total number of plants per lot; Generation I two percent of the total number of plants per lot; Generation II fifty leaves per acre; Generation III and IV twenty leaves per acre. No more than ten plants shall be bulked per sample. The department may require additional testing when deemed necessary.
- (b) Samples shall be labeled as to row and location within the row.
- (c) If a positive test results on a virus sample, a retest of every plant after roguing infected area is acceptable.
- (d) Any plant rogued and suspected of being contaminated with virus, *Erwinia carotavora* or *Corynebacterium sepedonicum* shall be submitted for testing.
- (e) Bacterial ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. A third or additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.
- (3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.
- (4) ~~((All seed sources entered for certification shall be represented in a Washington seed lot source trial.))~~ At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-660 LIMITED GENERATION CERTIFIED SEED POTATO—SANITATION. Requirements for sanitation in the limited generation certified seed program are as follows:

- (1) Chemicals used in the sanitation of equipment shall be those recommended by the Pacific Northwest Plant Disease Control Handbook. Vector control shall be maintained throughout the growing season as prescribed by the Pacific Northwest Plant Disease Control Handbook.
- (2) Seed stocks in a limited generation program shall be planted and harvested prior to handling any other seed stock. The highest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.
- (3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.
- (4) To produce nuclear, Generation I and Generation II stock, a grower shall have successfully produced certified seed potatoes the previous two years with no bacterial ring rot disease during this period. Exceptions to this subsection are possible on approval by the department.
- (5) Only department approved containers shall be used during the digging, storage, and packing process. Approved containers shall be new sacks or bags. Wood containers shall be painted with no bare wood exposed.

(6) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, ~~((followed by steam cleaning,))~~ followed by application of an approved chemical to kill bacteria.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-670 LIMITED GENERATION CERTIFIED SEED POTATO—TAGS. All lots shipped outside of the immediate area of production shall be tagged and accompanied by shipping permit. ~~((Permits and tags shall only be issued for Generation II, III, or IV seed stocks.))~~

- (1) In addition to meeting the requirements of WAC 16-324-430(3), tags shall identify seed class and percent of PVX.
- (2) Two colors of tags shall be available for use in limited generation seed potatoes. The color of tag designates grade only.
 - (a) Blue tags shall meet or exceed minimum requirements of United States Standards for U.S. No. 1 Seed Potatoes.
 - (b) Yellow tags shall indicate a contract grade between buyer and seller and shall meet or exceed minimum requirements of WAC 16-324-490.
 - (c) Tags shall not be issued for culls.

AMENDATORY SECTION (Amending Order 1951, filed 9/11/87)

WAC 16-324-680 LIMITED GENERATION CERTIFIED SEED POTATO—STORAGE. In addition to meeting the requirements in WAC 16-324-430 (1)(a) and (b), all tubers harvested from unit plantings shall be numbered and stored as an identifiable unit for the next year's planting ~~((of pre-nuclear stock))~~.

WSR 89-19-065

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 20, 1989, 11:45 a.m.]

Original Notice.

Title of Rule: New chapter 16-557 WAC, Washington Asparagus Commission.

Purpose: To establish a commodity commission to represent asparagus growers with the authority to collect assessments and to carry out activities in promotion, research, public information, and the prevention of unfair trade practices, all related to asparagus.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Create a new Washington Asparagus Commission consisting of a nine-member board with authority as stated above.

Reasons Supporting Proposal: New commission will be able to generate funds to support the activities listed above and assist in solving some of the industry's problems.

Name of Agency Personnel Responsible for Drafting: Roger Roberts, 406 General Administration Building, AX-41, (206) 753-5028; **Implementation and Enforcement:** Washington Asparagus Commission.

Name of Proponent: Petition signed by twenty producers as provided for in RCW 15.65.050 referendum costs funded by Washington Asparagus Growers Association, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Producers must approve in compliance with RCW 15.65.160 before this rule can become effective.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would establish a Washington Asparagus Commission under the Washington Agricultural Enabling Act of 1961. The purpose is to assess asparagus growers on products sold to generate funds to carry out market promotion projects, production and marketing research, information for producers, and take part in prevention of unfair trade practices. The commission will provide a constant source of funds and allow for long ranges activities that will improve the efficiency of production and marketing and return greater profit to the producer.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Franklin County Public Utility District Auditorium, 1411 West Clark, Pasco, WA, on November 2, 1989, at 1:00 p.m.

Submit Written Comments to: W.S.D.A., Market Development Division, 406 General Administration Building, AX-41, Olympia, WA 98504-0641, by November 2, 1989.

Date of Intended Adoption: January 5, 1990.

September 19, 1989

Arthur C. Scheunemann
Managing Director

Chapter 16-557 WAC
WASHINGTON ASPARAGUS COMMISSION

WAC

16-557-010	Definition of terms.
16-557-020	Asparagus commodity board.
16-557-030	Marketing order purposes.
16-557-040	Assessments and collections.
16-557-041	Time—Place—Method for payment and collection of assessments.
16-557-050	Obligations of the board.
16-557-060	Termination of the order.
16-557-070	Effective time.
16-557-080	Separability.

NEW SECTION

WAC 16-557-010 DEFINITION OF TERMS. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.
- (6) "Commercial quantity" means any asparagus produced in quantities of three tons (6,000 pounds) or more, in any calendar year.
- (7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, freezing, or distributing asparagus not produced by him.
- (8) "Asparagus commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-557-020.
- (9) "Asparagus" means and includes all kinds, varieties, and hybrids of "officialis" Linn.
- (10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.
- (11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to asparagus. A producer-handler shall be deemed to be a producer with respect to the asparagus which he produces and a handler with respect to the asparagus which he handles, including those produced by himself.
- (12) "Affected area" means the following counties in the state of Washington: Adams, Benton, Columbia, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.
- (13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.
- (14) "Affected unit" means one pound net pay weight of asparagus.

NEW SECTION

WAC 16-557-020 ASPARAGUS COMMODITY BOARD. (1) ADMINISTRATION. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this article one member shall be an affected handler processor. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

- (i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.
- (ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.
- (iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) BOARD MEMBERSHIP QUALIFICATIONS.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five

years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) **TERM OF OFFICE.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one and three – one year;

Positions two, four, and five – two years;

Positions six, seven, and eight – three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) **NOMINATION AND ELECTION OF BOARD MEMBERS.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) **ELECTION OF BOARD MEMBERS.**

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected area. Each affected producer within the affected area shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **VACANCIES PRIOR TO ELECTION.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **QUORUM.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **BOARD COMPENSATION.** No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.220 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **POWERS AND DUTIES OF THE BOARD.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, shall be deposited as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **PROCEDURES FOR BOARD.**

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news service.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

NEW SECTION

WAC 16-557-030 MARKETING ORDER PURPOSES. The order is to promote the general welfare of the state, to enable producers of asparagus to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets

and/or creating new or larger markets for asparagus. Such programs shall be directed toward increasing the sale of asparagus without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of asparagus nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of asparagus and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Washington State University, but if in the judgment of the board, said university does not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of asparagus purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of asparagus.

(4) Advise the department on the establishment of uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for asparagus or any products thereof.

(5) Advise the department on the requirements for producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of the asparagus and/or in offering, advertising and/or delivering it therefor.

(6) Providing for inspection and enforcement to ascertain and effectuate compliance.

(7) Establishing rules and regulations respecting the foregoing.

(8) Providing that the director or his designee shall carry out inspection and enforcement of, and may establish detailed provisions relating to, such standards and grades and such rules and regulations: **PROVIDED**, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of this order.

(9) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington asparagus.

(10) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

NEW SECTION

WAC 16-557-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of asparagus shall be one percent of the gross receipts at first point of sale.

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped, or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the

cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-557-041 TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS. Effective with the growing season of 1990, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-557-040:

(1) All first handlers of asparagus for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer shall be submitted to the commission on forms provided by the commission.

(2) All growers selling asparagus other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, within thirty days of sale of such product.

(3) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act.

NEW SECTION

WAC 16-557-050 OBLIGATIONS OF THE BOARD. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-557-060 TERMINATION OF THE ORDER. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-557-070 EFFECTIVE TIME. The marketing order for asparagus shall become effective on and after February 5, 1990.

NEW SECTION

WAC 16-557-080 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or

of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 89-19-066
PROPOSED RULES
PARKS AND RECREATION COMMISSION
 [Filed September 20, 1989, 1:31 p.m.]

Original Notice.

Title of Rule: Recreational and conference center housing fees and meeting room fees charged.

Purpose: Establish recreational and conference center fees for Fort Worden State Park.

Statutory Authority for Adoption: RCW 43.51.040 and 43.51.060.

Statute Being Implemented: RCW 43.51.040 and 43.51.060.

Summary: Increases rates for meals, dormitory housing, and barracks style housing.

Reasons Supporting Proposal: Fees are modified consistent with increased program operating expenses and costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lynn Genasci, 7150 Cleanwater Lane, Olympia, WA 98504, 753-5761.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule prescribes fees for meals and housing services to be paid by public, at Fort Worden State Park and Conference Center. This change will increase the charges to the public, consistent with the costs of the state to provide the meals and housing services.

Proposal Changes the Following Existing Rules: Increases the fees by approximately 5%.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ramada Inn, Spokane International Airport, Spokane, Washington 99219, October 27, at 9:00 a.m.

Submit Written Comments to: Lynn Genasci, Washington State Parks, 7150 Cleanwater Lane, Olympia, WA 98504, by October 25, 1989.

Date of Intended Adoption: October 27, 1989.

September 14, 1989

Nina Carter

Executive Assistant

AMENDATORY SECTION (Amending Order 107, filed 10/31/88)

WAC 352-32-25001 RECREATIONAL AND CONFERENCE CENTER HOUSING FEES AND MEETING ROOM FEES CHARGED. (1) The following fees shall be charged per day for recreational and conference center housing at Fort Worden State Park:

(a) Renovated housing

Noncommissioned officers' row buildings—#331 and #332 (4 units, each with 2 bedrooms)	\$((61-25))	64.25/unit
Officers' row buildings—#5, #6, and #7 (6 units, each with 3.5 bedrooms)	\$((98-86))	103.70/unit

Officers' row buildings—#4 and #11 (4 units, each with 6 bedrooms)	\$((+63-50))	172.10/unit
Charge for additional rollaway beds	\$((9-50))	9.75 per bed

(b) Nonrenovated housing

Officers' row building—#9, #10 and #16 (5 units, each with 3 bedrooms)	\$((76-00))	79.75/unit
Officers' row buildings—#15 (1 unit with 5 bedrooms)	\$((+20-00))	125.90/unit
Charge for additional rollaway beds	\$((9-50))	9.75 per bed
Bliss vista building—#235 (1 unit with 1 bedroom)	\$((51-00))	52.75/unit

A deposit equal to the cost of the first night's fee for each unit rented is required. A \$10.00 per unit cancellation fee is deducted from the deposit for any cancelled reservations, to cover processing costs. If the cancellation is made less than three weeks prior to the arrival date, the entire deposit is forfeited, unless the unit is re-rented.

Standard meal charges (meals optional for above-listed housing)

Breakfast.....	\$ ((2-75))	2.85
Lunch.....	\$ ((3-75))	3.95
Dinner.....	\$ ((5-50))	5.80
Total.....	\$ ((+2-00))	12.60
Coffee service.....	\$10.00	
minimum charge for any group of 20 or less. 50¢ per person for additional persons.		

(c) Dormitory housing (for group reservations only—meals included)

1 - 2 days.....	\$((21-50))	22.60/person/day
3 - 13 days.....	\$((+9-75))	20.75/person/day
14 or more days.....	\$((+8-25))	19.20/person/day
((Dormitory linen and towel charge.....		\$7.90
Additional towel charges.....		\$.60
Additional towel set.....		\$1.60))
Dormitory linen and towel charge.....		\$8.25
Additional towel charges.....		\$.75
Additional towel set.....		\$1.75

The parks and recreation commission has an agreement with the Centrum organization which provides for use of Fort Worden State Park dormitory facilities and services in conjunction with special group programs administered by Centrum. For further information, contact Centrum at Fort Worden State Park.

(d) Barracks-style housing (for group reservations only—meals included)

1 - 2 days.....	\$((+9-80))	20.80/person/day
3 - 13 days.....	\$((+8-25))	19.15/person/day
14 or more days.....	\$((+6-60))	17.45/person/day

All meals are served in the dining hall.

Washington state sales tax is added to all charges.

(2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between \$((6-50)) 6.85 and \$((33-00)) 34.65 for those residing in Fort Worden recreational housing, with increased charges for nonusers of recreational housing facilities. Additional cleaning fee is charged if food or beverages are consumed in the room. Theatre is available for performances—\$((+100-00)) 105.00 per day; for rehearsals—\$((26-00)) 27.30 per night. The kitchen shelter is available for the minimum fee of \$((20-00)) 21.00 per day plus a refundable \$50.00 cleaning deposit.

(3) Where not covered by or not inconsistent with the agency's facility use agreement with the Centrum Foundation, groups or organizations of twenty-five or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may make application for reservation up to two years in advance of the date of use by contacting the park. Confirmation of reservations is subject to the user group complying with the procedures specified in the group booking agreement, copies of which are available at the park.

(4) During the period from July 1 through Labor Day, conference center groups may reserve no more than twenty campsites per night in addition to other reserved conference center facilities.

WSR 89-19-067
RULES COORDINATOR
HIGHLINE COMMUNITY COLLEGE

[Filed September 20, 1989, 1:33 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for Highline Community College is Dr. Edward M. Command, Vice-President, Highline Community College, 2400 South 240th Street, P.O. Box 98000, Des Moines, WA 98198-9800, 878-3710, ext. 203 or 374-1203 scan.

Shirley B. Gordon
 President

WSR 89-19-068
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 20, 1989, 1:45 p.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-127 WAC, Prevailing wages. WAC 296-127-010, provides additional definitions of terms including contractor, public work and residential construction; WAC 296-127-011, establishes dates for determining and publishing prevailing wage rates, provides for revision of an established rate in certain circumstances, clarifies awarding agencies responsibility about including prevailing rates in contract documents and fixes the prevailing rates which are in effect on the date when a contract is awarded; WAC 296-127-013, authorizes the industrial statistician to promulgate scope of work descriptions; WAC 296-127-014, limits usual benefits to health and welfare, pensions, vacation, apprentice training fund, paid holidays and daycare; WAC 296-127-015, defines the circumstances under which supervisors are entitled to receive prevailing rates of pay; WAC 296-127-019, describes the methods used by the industrial statistician to establish prevailing wages; WAC 296-127-020, amends the interpretations of phrases used in chapter 39.12 RCW; WAC 296-127-023, defines building service maintenance and requires that public service maintenance contracts contain a clause requiring the contractor to pay the most recent annual increases in the prevailing wage rates after the first year of the contract; WAC 296-127-025, stipulates that projects where both Washington state and federal public works laws apply, the Washington state prevailing wage rates, if higher than the federal rates, must be paid; WAC 296-127-026, lists exemptions from the prevailing wage requirements for sole owners and their spouses, partnerships, some corporate officers and employees of public agencies; WAC 296-127-040, reestablishes \$12.50 as the fee for approval of statement of intent to pay prevailing wages forms; and WAC 296-127-045, reestablishes \$12.50 as the fee for the approval of affidavits of prevailing wages paid forms. In addition, the department proposes repeal of WAC 296-127-016, defining the circumstances under which workers employed in the production and delivery of sand, gravel, crushed

rock, concrete mix, asphalt or other similar materials are entitled to receive prevailing wages; and adoption of WAC 296-127-018, defining the circumstances under which workers employed in the production and delivery of sand, gravel, crushed rock, concrete mix, asphalt or other similar materials are entitled to receive prevailing wages.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 6, 1989.

The authority under which these rules are proposed is RCW 43.22.270, *Green River Community College vs. Higher Education Personnel Board*, 95 Wn.2d 108, 622 P.2d 826 (1980).

The specific statute these rules are intended to implement is chapters 39.12 and 39.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 1, 1989.

Small Business Economic Impact Statement: The Washington Regulatory Fairness Act, chapter 19.58 RCW, requires that proposed rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small businesses in comparison with the cost of compliance for large businesses. The act defines a small business as an employer with fifty or fewer employees. With respect to the revised proposed WAC 296-127-010 through 296-127-045, the department has reviewed the rules and finds no additional small business impact for coming into compliance with the proposed revisions filed on September 13 [20], 1989.

This notice is connected to and continues the matter in Notice Nos. WSR 89-12-051, 89-17-083 and 89-19-009A filed with the code reviser's office on June 5, 1989, August 18, 1989, and September 8, 1989.

Dated: September 20, 1989

By: Joseph A. Dear
 Director

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-010 DEFINITIONS FOR CHAPTER 296-127 WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the department's employment standards, apprenticeship, and crime victims division.

(4) "Assistant director" means the assistant director of the employment standards, apprenticeship, and crime victims (ESAC) division or his or her duly authorized deputy or representative.

(5) "Contractor" ((includes subcontractor)) means the prime contractor and every subcontractor who performs any work on a public works project site, building service maintenance contractors, and any supplier of items specifically designed and made for a public works project.

(6) The term "public work" shall include all work, construction, alteration, enlargement, improvement, repair, and demolition executed at the direction of any public agency of the state of Washington or any agency of a county, city, town, or any other political subdivision, or a

public district, whether such work is executed by contract, purchase order, or any other legal agreement, provided the public agency owns the asset which is constructed, altered, enlarged, improved, repaired, or demolished. The source of the funding shall have no bearing on the applicability of the statute. Public work shall not include work, construction, alteration, enlargement, improvements, repair, demolition or maintenance executed by volunteers consistent with the requirements of RCW 35.21.278.

Public work shall also include facilities of new construction which are caused by state agencies to be built by a private party through a contract to rent, lease, or purchase at least eighty percent of such facility for occupation by a state agency as required by chapter 43.82 RCW.

Public work shall also include maintenance, except ordinary maintenance, when performed by contract. For the purpose of this section, maintenance is defined as keeping existing facilities in good usable condition, without repairing damages or breaks. Ordinary maintenance does not include building service maintenance.

(7) "Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster need not be advertised.

(8) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including basement, when used solely as permanent residences. It does not include the utilities construction (water and sewer lines), or work on streets, or work on other structures (e.g., for recreation and business.)

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-011 TIME FOR DETERMINING PREVAILING WAGE. ((The department will use the date bids are due as the effective date for determining prevailing wages provided the contract is awarded within 60 days after bids are due. If the contract is not awarded within 60 days after bids are due, the department will determine the prevailing wage on the date the contract is awarded. If the contract is not awarded pursuant to bids, the department will determine the prevailing wage on the date the contract is awarded.)) (1) Prevailing wage rates for all contracts will be determined by the department and published only on the first business day of March and the first business day of September of each year. The department may revise an established prevailing wage rate in response to an administrative or judicial finding overturning the established rate or at any time necessary to correct a substantial error. All prevailing wage rates become effective thirty days after they are published. Awarding agencies must include a schedule of the applicable published prevailing wage rates in the contract documents for each contract. Contractors must include a schedule of the applicable published prevailing wage rates in their contracts with each one of their subcontractors.

(2) For all contracts, except building service maintenance contracts, the prevailing wage rates which are in effect on the date when the bids by the prime contractors are required to be submitted to the contract awarding public agency are the prevailing wage rates which must be paid for the duration of the contract. If the contract is not awarded within six months of this date, the prevailing wage rates which are in effect on the date when the contract is awarded are the prevailing wage rates which must be paid for the duration of the contract.

(3) If an agreement for public works is not awarded pursuant to bids, the prevailing wages which are in effect on the date when the agreement is executed are the prevailing wages which must be paid for the duration of the agreement.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-013 SCOPE OF WORK ((DEFINITIONS)) DESCRIPTIONS. In order for the industrial statistician to determine applicable prevailing wage rates, scope of work ((definitions)) descriptions are needed for each trade and occupation. The scope of work for a trade or occupation describes the extent of the tasks which are usually performed by a skilled worker of that trade or occupation. However, any worker who performs tasks which are listed under the scope of work description for a particular trade or occupation shall be paid the prevailing rate of wage for that particular trade or occupation.

(1) The industrial statistician may promulgate scope of work descriptions, using authoritative sources available to the department, such as, but not limited to:

- (a) Washington state apprenticeship and training council approved apprenticeship standards;
- (b) Collective bargaining agreements;
- (c) Dictionary of occupational titles;
- (d) Experts from organized labor, licensed contractors, and contractors' associations.

(2) Scope of work ((definitions)) descriptions may be revised only on the first business day of ((February)) March and the first business day of ((August)) September each year. Scope of work ((definitions)) descriptions may be obtained from the department on request.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-014 USUAL BENEFITS. "Usual benefits" are limited to the following:

(1)(a) Health and welfare payments. This is ((group)) medical insurance, which may include dental, vision, and life insurance. (State or federal statutorily mandated insurance programs providing protection against industrial accidents, occupational illnesses, and all related mandatory forms of protection, shall not qualify as health and welfare insurance.)

(b) Pension contributions made into pension plans for which the Internal Revenue Service has issued a letter ((of acceptance or approval)) which signifies that the plan meets the requirements of the Internal Revenue Service.

(c) Vacation payments made either directly to the employees or into a vacation fund, provided these benefits are paid to the employees.

(d) Apprentice training fund. Payments made to training programs approved or recognized by the Washington state apprenticeship and training council.

(e) Paid holidays. Payments made to employees for specified holidays.

(f) Day care provided for children of employees.

(2) Any fringe benefits required by other local, state, or federal laws do not qualify as "usual benefits."

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-015 APPLICABILITY OF PREVAILING WAGES FOR SUPERVISORS. Determinations as to whether individuals are workers, laborers, or mechanics are based on the duties actually performed by the individuals, rather than the title of the occupations.

(1) Supervisors (e.g., foremen, general foremen, superintendents, etc.) are entitled to the prevailing rate of wage if they perform manual or physical labor for more than twenty percent of their hours worked on a public works project during any given week. Supervisors who qualify, are entitled to at least the ((journeyman)) journey level rate of pay for the type of work they performed, for all hours spent performing that manual labor. Supervisors who perform manual or physical labor for more than fifty percent of their hours worked on a public works project during any given week are entitled to at least the journey level rate of pay for all hours worked.

(2) If supervisors subject to the ((journeyman)) journey level prevailing wage rate are paid a salary, the compensation (salary divided by number of hours worked) must be equal to or greater than the prevailing wage rate for the type of work performed.

NEW SECTION

WAC 296-127-018 COVERAGE AND EXEMPTIONS OF WORKERS INVOLVED IN THE PRODUCTION AND DELIVERY OF MATERIALS PREDOMINANTLY USED IN ROAD CONSTRUCTION. The materials covered under this section are sand, gravel, crushed rock, concrete mix, asphalt, or other similar materials.

(1) For the purpose of this section, a contractor or subcontractor is defined as an employer who has contracted to perform work on a public works project site. Employers who produce and stockpile these materials for public agencies are not considered contractors for the purpose of this section. Workers who are employed by public works contractors or subcontractors are subject to the provisions of chapter 39.12 RCW when:

(a) They are engaged in the production of the above listed materials for a public works project in a sand or gravel pit, rock quarry, concrete mixing plant, or other similar facility; or

(b) They are engaged in the transportation of the above listed materials for use on the public works project, whether or not they perform any work on the project site.

(2) Workers are subject to the provisions of chapter 39.12 RCW, regardless of who their employer is, when:

(a) They deliver any of the above materials to public works construction sites and perform any spreading, leveling, rolling, or otherwise participate in any incorporation of the materials into the project; or

(b) They wait at or near the public works project site to participate in the incorporation of the materials into the project; or

(c) They remove any materials from a public works construction site pursuant to contract requirements or specifications (e.g., excavated materials, materials from demolished structures, cleanup materials, etc.); or

(d) They work in a material production facility (e.g., batch plant, borrow pit, rock quarry, etc.) which is established for a public works project near a public works construction site for the specific, but not exclusive, purpose of supplying materials for the project.

(3) Workers are not subject to the prevailing wage requirements of chapter 39.12 RCW when they are employed:

(a) By a common or contract carrier trucking company principally or exclusively engaged in the hauling or delivery of such products, and the employee's duties do not include spreading, leveling, rolling, or otherwise participating in the incorporation of the delivered materials into the project;

(b) By an established materials supplier either in the production or delivery of such products, and the employee's duties do not include spreading, leveling, rolling, or otherwise participating in the incorporation of the delivered materials into the project.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-019 SURVEY METHODOLOGY. (1) The industrial statistician will use two methods to establish or update prevailing wage rates. They will be:

(a) Data collected by wage surveys; and/or

(b) Wage increases stipulated in collective bargaining agreements for those trades or occupations where a recent wage survey has established that those wage rates prevail.

When wage surveys are conducted, the method will be as follows:

(2) The department will determine the identity of employers to be surveyed for a specific trade or occupation by:

(a) Mailing classification questionnaires to all active licensed or Washington state department of transportation and United States Department of Labor prequalified contractors; and

(b) Compiling a mailing list of companies that do not have to be licensed under chapter 18.27 or 19.28 RCW, but that employ workers in the trades or occupations being surveyed.

(3) Wage survey forms will then be mailed to:

(a) Those licensed contractors who have indicated on the questionnaire that they employ one or more of the trades being surveyed; ~~((and))~~

(b) Companies that are not required to be licensed under chapter 18.27 or 19.28 RCW, but that employ workers who are subject to the prevailing wage requirements of chapter 39.12 RCW; and

(c) To union locals representing the trades being surveyed.

(4) The data from the survey forms will only be used by the department if submitted on behalf of individual contractors identified by contractor registration number, or by a company that does not have to be licensed under chapter 18.27 or 19.28 RCW, but that directly employs and supervises workers as employees on its payroll and for whom it pays all state and federal employment taxes, in the trades being surveyed.

(5)(a) If the majority of hours worked by any trade or occupation in the largest city in a county is paid at one specific wage rate, that rate is established as the prevailing wage rate.

(b) If no single wage rate is paid to the majority of workers in the same trade or occupation, the average wage rate is established as the prevailing wage rate, based on a weighted average.

(6) Any of the above parties who submit false information under this section, shall, after a determination to that effect has been issued by the director after a hearing under chapter ~~(34.04)~~ 34.05 RCW, forfeit as a civil penalty the sum of five hundred dollars.

AMENDATORY SECTION (Amending Order 85-28, filed 1/17/86)

WAC 296-127-020 INTERPRETATION OF PHRASES USED IN CHAPTER 39.12 RCW. (1) The "acceptance date of the public works project" referred to in RCW 39.12.065 is the date the awarding agency formally accepts the completed public works project.

(2) RCW 39.12.065 and 39.12.050 refer to "inadvertent filing or reporting error." An error is "inadvertent" if it is made notwithstanding the use of due care by the party making the error. The burden of proving that an error is inadvertent is on the person charged with the error.

(3) The definition of "locality" in RCW 39.12.010(2) contains the phrase "wherein the physical work is being performed." The department interprets this phrase to mean the actual work site. For example, if materials are prefabricated in a county other than the county wherein the public works project is to be completed, the wage for the prefabrication shall be the prevailing wage for the county where the physical work of prefabrication is actually performed. Standard items for sale on the general market are not subject to the requirements of chapter 39.12 RCW.

READOPTED SECTION (Readopting Order 88-22, filed 10/31/88)

WAC 296-127-023 BUILDING SERVICE MAINTENANCE. The "public building service maintenance contracts" referred to in RCW 39.12.020 shall mean janitorial service contracts and cover only work performed by janitors, waxers, shampooers, and window cleaners.

For all building service maintenance contracts, the prevailing wage rates which are in effect on the date when the bids are required to be submitted to the contract awarding public agency are the minimum prevailing wage rates which must be paid for the first year of such contracts and thereafter. However, any building service maintenance contract of more than one year duration, must include wage increase language recognizing the potential for future variance in applicable prevailing wage(s) and specifying that the wages which a contractor shall pay its employees must be altered annually to recognize and follow the most recently promulgated increases in prevailing wages each year after the first year of the contract period. The cost of the increases in the wages due employees shall be borne by the contract awarding agency.

READOPTED SECTION (Readopting Order 88-22, filed 10/31/88)

WAC 296-127-025 APPLICABILITY OF JOINT FEDERAL-STATE STANDARDS. When a public works project is subject to the provisions of the Washington state public works law, chapter 39.12 RCW, and the Federal Davis-Bacon and related acts, the contractor and every subcontractor on that project must pay at least the Washington state prevailing wage rates, if they are higher than the federal prevailing wage rates for the project.

READOPTED SECTION (Readopting Order 88-22, filed 10/31/88)

WAC 296-127-026 EXEMPTIONS FOR SOLE OWNERS AND THEIR SPOUSES, PARTNERSHIPS, CORPORATIONS, AND EMPLOYEES OF PUBLIC AGENCIES. The prevailing wage requirements of chapter 39.12 RCW do not apply to:

(1) Sole owners and their spouses.

(2) Any partner who owns at least thirty percent of a partnership.

(3) The president, vice-president and treasurer of a corporation if each one owns at least thirty percent of the corporation.

(4) Workers regularly employed on monthly or per diem salary by the state or any political subdivision created by its laws.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages ~~((for contracts in excess of two thousand five hundred dollars))~~ submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((twenty-five dollars))~~ twelve dollars and fifty cents for each statement. ~~((All statements of intent to pay prevailing wages for contracts of two thousand five hundred dollars or less submitted to the department shall be accompanied by a fee of twelve dollars fifty cents for each statement.))~~ Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of

intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of (~~(\$10.00)~~) ten dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-045 **AFFIDAVIT OF WAGES PAID.** (1) All affidavits of wages paid (~~(for contracts in excess of two thousand five hundred dollars)~~) submitted to the industrial statistician of the department shall be accompanied by a fee of (~~(twenty-five dollars)~~) twelve dollars and fifty cents for each affidavit of wages paid. (~~(All affidavits of wages paid for contracts of two thousand five hundred dollars or less submitted to the industrial statistician of the department shall be accompanied by a fee of twelve dollars fifty cents for each affidavit.)~~) All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavits of wages paid it has certified and quarterly shall send a fee of (~~(\$10.00)~~) ten dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-127-016 **COVERAGE AND EXEMPTIONS OF WORKERS INVOLVED IN THE PRODUCTION AND DELIVERY OF MATERIALS PREDOMINANTLY USED IN ROAD CONSTRUCTION.**

WSR 89-19-069

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 89-37—Filed September 20, 1989, 1:20 p.m.]

Original Notice.

Title of Rule: New chapter 173-306 WAC, Special incinerator ash management standards.

Purpose: We are adopting this rule to comply with the 1987 Special Incinerator Ash Disposal Act, SSB 5570.

Statutory Authority for Adoption: Chapter 70.138 RCW.

Statute Being Implemented: SSB 5570.

Summary: SSB 5570 requires the Department of Ecology to encourage the higher waste management priorities by developing management and permitting standards for the generation and disposal of municipal solid waste incineration residue.

Reasons Supporting Proposal: To protect human health, the environment and employees during the management and disposal of special incinerator ash.

Name of Agency Personnel Responsible for Drafting: Ali Raad, Unit Supervisor, Rowsix, Building 4, (206) 438-7234; Implementation and Enforcement: Tom Eaton, Program Manager, Rowsix, Building 4, (206) 459-6316.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will enhance and encourage the higher waste management priorities (waste reduction, recycling, treatment, energy recovery or incineration, solidification/stabilization and landfill) by easing the permitting and reporting requirements for ash from municipal solid waste incineration that otherwise would be regulated as hazardous waste under chapter 70.105 RCW. This rule will protect human health, employees and the environment through generator management requirements, disposal facility permitting procedures and disposal facility location and operation requirements.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane County Health Department Auditorium, Spokane, October 24, 7-9 p.m.; and at City Commission Chambers, City Hall, Bellingham, October 25, 7-9 p.m.; and at Tacoma/Pierce County Health Department Auditorium, Tacoma, October 26, 7-9 p.m.

Submit Written Comments to: Ali Raad, Unit Supervisor, by November 9, 1989.

Date of Intended Adoption: January 16, 1990.

September 11, 1989

Fred Olson

Deputy Director

Chapter 173-306 WAC

SPECIAL INCINERATOR ASH MANAGEMENT STANDARDS

WAC

- 173-306-010 Authority and purpose.
- 173-306-050 Applicability.
- 173-306-100 Definitions.
- 173-306-150 Prohibition of surface impoundments and land treatment of ash.
- 173-306-200 Generator management plans.
- 173-306-300 Permit requirements for disposal facilities.
- 173-306-310 Permit procedures.
- 173-306-320 Demonstration and class-use permits.
- 173-306-330 Application contents for permits.
- 173-306-340 Engineering reports, plans and specifications required in permits.
- 173-306-345 Construction quality assurance plan.
- 173-306-350 Incinerator ash siting standards for disposal facilities.
- 173-306-400 Ash disposal facility standards.
- 173-306-405 General facility operational standards.
- 173-306-410 General closure and post-closure requirements.
- 173-306-440 Ash monofill facility standards.
- 173-306-450 Liner and final cap design and construction standards.
- 173-306-470 Financial assurance.
- 173-306-480 Treatment (including solidification and stabilization) standards.
- 173-306-490 Reuse and utilization standards.
- 173-306-495 Other methods of ash disposal.
- 173-306-500 Monitoring and sampling methods.
- 173-306-900 Variances.
- 173-306-9901 Maximum contaminant levels for ground water.

NEW SECTION

WAC 173-306-010 **AUTHORITY AND PURPOSE.** This chapter is promulgated under the authority of chapter 70.138 RCW, to protect human health, the environment, and employees during the management and disposal of special incinerator ash while also recognizing the important role solid waste incineration plays in reducing our dependency upon landfills. It is also the purpose of this chapter to enhance and encourage the higher waste management priorities as

spelled out in chapter 70.138 RCW. This chapter is intended to establish consistent, enforceable management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the Hazardous Waste Management Act. This chapter is not intended to address ash residues that are classed as hazardous waste under federal regulations, 40 CFR Part 261, unless the Environmental Protection Agency decides such wastes are not subject to Subtitle C of the Resource Conservation and Recovery Act.

NEW SECTION

WAC 173-306-050 APPLICABILITY. This chapter applies to municipal solid wastes intended for incineration or energy recovery and special incinerator ash as those terms are defined in WAC 173-306-100. (Incinerator ash whose designation status is unknown shall be considered special incinerator ash until data developed under WAC 173-306-500(4) is submitted to the department.) This chapter shall not apply to the following wastes:

- (1) Solid wastes as defined in WAC 173-306-100 that are not regulated as hazardous wastes under chapter 70.105 RCW and that are not intended for incineration or energy recovery;
- (2) Hazardous wastes regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. sec. 6901 et seq.;
- (3) Incinerator ash from the operation of incineration or energy recovery facilities burning only tires, woodwaste, infectious waste, sewage sludge, or any other single type of refuse other than municipal solid waste;
- (4) Incinerator ash from the operation of incineration or energy recovery facilities burning municipal solid waste at a rate of twelve tons of municipal solid waste per day or less; and
- (5) Any incineration or energy recovery facility in operation on or before May 19, 1987, until a permit is issued pursuant to WAC 173-306-300 or July 1, 1989, whichever is sooner.

NEW SECTION

WAC 173-306-100 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Active area" means that portion of a facility where ash disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.
- (2) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (3) "Ash" means special incinerator ash.
- (4) "Ash cell" or "cell" means an active disposal phase of the site. (Note: Site shall be divided into a series of phases to minimize the active ash disposal area.)
- (5) "Beneficial use" means the water uses as defined by the water resources management program established by the Water Resources Act of 1971 and chapter 173-500 WAC.
- (6) "Bottom ash" means ash residues remaining on the incineration or energy recovery facility grates or in the combustion chambers after combustion. Bottom ash may or may not be a special incinerator ash.
- (7) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.
- (8) "Closure" means those actions taken by the owner or operator of an ash facility to cease disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.
- (9) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without significant change from the department approved plans and specifications.
- (10) "Contaminate" means to discharge a substance into ground water that would cause:
 - (a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-306-9901;
 - (b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-306-9901; or

- (c) A statistically significant increase above background in the concentration of a substance which:
 - (i) Is not specified in WAC 173-306-9901; and
 - (ii) Is present in the ash; and
 - (iii) Has been determined to present a substantial risk to human health or the environment in the concentration found at the point of compliance by the department in consultation with the department of social and health services.
- (11) "Critical habitat" means habitat defined as critical by the Endangered Species Act of 1973 (P.L. 93-205).
- (12) "Department" means the department of ecology.
- (13) "Department's approval" means a recommendation by the department's registered engineer for all engineering reports, plans and specifications, and any other engineering documents.
- (14) "Director" means the director of the department of ecology or the director's designee.
- (15) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
- (16) "Dispose" or "disposal" means the treatment, utilization, processing, or final deposit of special incinerator ash.
- (17) "Disposal facility" means all structures, other appurtenances, improvements and land used for recycling, storing, treating, or disposing of special incinerator ash.
- (18) "Domestic water" means any water used for human consumption, other domestic activities, livestock watering or for any use for which a water right has been granted.
- (19) "Energy recovery" means the recovery of energy in a usable form from mass burning, fluidized bed or refuse - derived fuel incineration, pyrolysis, or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.
- (20) "Existing disposal facility" means a disposal facility which is owned or leased and in operation, or for which construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations, and ordinances.
- (21) "Existing residential development" means any existing development of residential dwelling units with a density of at least one unit per acre and a total of more than ten dwellings at time of permit application.
- (22) "Expanded disposal facility" means a disposal facility adjacent to an existing facility for which the land is purchased and approved by the department after the effective date of this chapter. A vertical expansion approved and permitted after the effective date of this chapter shall be considered an expanded disposal facility.
- (23) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.
- (24) "Facility" means disposal facility.
- (25) "Flyash" or "flyash/scrubber residue" means ash swept from the incineration or energy recovery facility combustion chamber and collected from the boilers, economizers, and air pollution control devices such as scrubbers, baghouses, and electro-static precipitators. Flyash or flyash scrubber residues may or may not be special incinerator ash.
- (26) "Generate" means any act or process which produces special incinerator ash or which first causes special incinerator ash to become subject to regulation.
- (27) "Generator" means any incineration facility owner/operator who generates a special incinerator ash. An existing generator is any generator whose facility is in operation on the effective date of this chapter.
- (28) "Holocene" means the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.
- (29) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.
- (30) "Independent third party" means, for the purpose of liner construction, a person, approved by the department, with demonstrated experience in successful liner installation or inspection, who is financially and organizationally independent of the generator or facility owner/operator, the raw material producer (such as the resin manufacturer or the bentonite producer), the liner manufacturer, the liner installer, or any other person who might have a financial or organizational connection to the facility.
- (31) "Land treatment" means the practice of applying ash waste onto or incorporating into the soil surface. If the waste will remain after the facility is closed, this practice is disposal.

(32) "Management" means the handling, storage, collection, transportation, and disposal of special incinerator ash.

(33) "Monofill" means a disposal facility or part of a facility, which is not a land treatment facility, at which only special incinerator ash is finally deposited in or on.

(34) "New disposal facility" means a facility which begins operation or construction after the effective date of this chapter.

(35) "One hundred year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(36) "Perennial surface water bodies" are normally continuous bodies of water with natural flows throughout the year including lakes, rivers, ponds, irrigation canals, streams, reservoirs, inland waters, salt waters, and all other waters of the state (not to include man-made lagoons or impoundments for waste treatment or storage) within the jurisdiction of the state of Washington as defined by chapter 90.48 RCW, the Water Pollution Control Act.

(37) "Permeability" means the ability with which a porous material allows liquid or gaseous fluids to flow through it.

(38) "Permit" means a special incinerator ash disposal permit.

(39) "Person" means any person, firm, association, county, public, municipal, or private corporation, agency, or other entity whatsoever.

(40) "Pile" means any noncontainerized accumulation of ash that is used for treatment, use, or utilization.

(41) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of ash disposal facilities.

(42) "Point of compliance" means that part of ground water that lies beneath the perimeter of a disposal facility's active area as that active area would exist at the closure of the facility.

(43) "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for a thirty-year period or until the site becomes stabilized (i.e., cap integrity maintained, little or no settlement or leachate generation).

(44) "Processing" means an operation to convert ash into a useful product or to prepare it for disposal.

(45) "Reclamation" means to process an ash waste in order to recover usable products.

(46) "Reuse or utilization" means consuming, expending, exhausting or using an ash waste.

(47) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to section 1424e of the Safe Drinking Water Act (P.L. 93-523).

(48) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable commodities. This includes all liquid, solid, and semisolid materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants, septage from septic tanks, woodwaste, dangerous waste, and problem wastes.

(49) "Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial, and industrial establishments, if the ash residues (a) would otherwise be regulated as hazardous wastes under chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act, 42 U.S.C. Sec 6901 et seq.

(50) "Spill" means any accidental discharges or overflow of fluids or processed water from contained areas or holding tanks to floor drains or municipal sewer system.

(51) "Stabilization" or "solidification" means a technique that limits the solubility and mobility of waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes a waste by bonding or chemically reacting with the stabilizing material.

(52) "Storage" means the temporary holding (no longer than forty-five days from date of production) of a limited amount (not to exceed thirty days worth of daily production) of special incinerator ash.

(53) "Subsidence" means a sinking of the land surface due to the removal of solid mineral matter or fluids from.

(54) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling and aeration pits, ponds or lagoons, but does not include injection wells.

(55) "Treatment" means those engineered physical or chemical processes to make special incinerator ash safer for transport, amenable for energy or material resource recovery, amenable for storage or disposal, or reduced in volume.

(56) "Unstable slopes" means any area where the mass movement of earthen materials i.e., landslides, rockfalls, mudslides, slumps, earth flows, or debris flow is likely to occur.

(57) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

NEW SECTION

WAC 173-306-150 PROHIBITION OF SURFACE IMPOUNDMENTS AND LAND TREATMENT OF ASH. No person shall manage any special incinerator ash in a surface impoundment or land treatment facility as defined in WAC 173-306-100.

NEW SECTION

WAC 173-306-200 GENERATOR MANAGEMENT PLANS.

(1) Applicability. These standards apply to special incinerator ash generators, incinerating more than twelve tons of municipal solid waste per day. Existing generators shall meet the requirements of this section after July 1989.

(2) Management plans procedures.

(a) Prior to generating or managing any special incinerator ash, any generator subject to this section shall submit a generator management plan to the department for review and approval. The department may publish guidelines on the form and content of management plans consistent with this chapter. Within thirty days of receipt, the department shall determine if the plan is factually complete and so notify the generator.

(b) Upon receipt of a complete generator management plan, the department shall give notice of its receipt of a proposed management plan to the public and to interested persons for public comment for thirty days after the date of publication.

(c) The department shall also perform the following additional public notification requirements:

(i) Mailing the notice to persons who have expressed an interest in being notified;

(ii) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;

(iii) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication;

(iv) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision;

(v) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

(d) The department shall review each generator management plan to determine whether the generator management plan complies with this chapter and chapter 70.138 RCW, including whether the necessary ash disposal permit has been or is likely to be issued.

(e) Within sixty days of receipt of a complete generator management plan, the department shall approve, approve with conditions, or reject the submitted generator management plan. Approval may be conditioned upon additional requirements necessary to protect employees, human health, and the environment, including special management requirements such as waste and ash segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(f) All generators shall comply with their approved management plan. No generator may construct and operate an incineration or energy recovery facility without an approved management plan.

(g) Any generator operating under an approved generator management plan shall notify the department and the department may require resubmission of the generator management plan when there is a material change in the design or operation of the special incinerator ash collection and/or handling system.

Upon receipt of the revised generator management plan, the department shall proceed according to subsection (3) of this section.

(3) Generator management plan requirements. Prior to managing special incinerator ash, all applicable generators shall develop generator management plans. Generator management plans shall show how the following requirements are met:

- (a) Planning requirements:
- (i) All generators shall demonstrate how the management of ash, including disposal, has complied with the city and county comprehensive solid waste management plan of RCW 70.95.080, as applicable.
- (ii) All generators shall demonstrate how ash management areas comply with or are a part of the spill prevention plans.
- (b) Requirements for managing solid waste to reduce ash toxicity and ash quantity. All generators shall:
- (i) Conduct annual municipal solid waste compositional studies to identify kinds and amounts of toxic metals, including cadmium and lead, other hazardous materials, halogenated plastics, and other substances that contribute to the toxicity of special incinerator ash;
- (ii) Establish policies, procedures, incentives, and treatment methods to remove toxic metals in municipal solid waste prior to incineration or energy recovery;
- (iii) Establish procedures to insure that dangerous wastes are not knowingly accepted at the incineration or energy recovery facility including developing lists of consumer or commercial items that may or may not be acceptable for incineration;
- (iv) Establish a timetable for implementing (b)(i), (ii), and (iii) of this subsection, and a method for evaluating the effectiveness of the program in reducing the toxicity of special incinerator ash.
- (c) Collection and handling requirements.
- (i) All incineration or energy recovery facilities shall be designed and operated to prevent fugitive dust emissions and direct exposure of the ash to the weather. Special incinerator ash shall be collected, stored, and handled in enclosed buildings or the equivalent (e.g., covered conveyors and transfer points). This requirement is not applicable to ferrous metal separated from bottom ash.
- (ii) Floor or surface drains serving ash collection, storage, and handling areas shall not be connected to uncontaminated storm water runoff drains. Spills and process waters shall be:
- (A) Reused in the process;
- (B) Discharged to surface waters under a National Pollution Discharge Elimination System Permit issued pursuant to chapter 173-220 WAC;
- (C) Discharged to surface water, ground water, or a municipal sewer system under a state discharge permit issued pursuant to chapter 173-216 WAC;
- (D) Injected through wells under an underground injection control permit issued pursuant to chapter 173-218 WAC; or
- (E) Managed in another method approved by the department.
- (iii) All incineration and energy recovery facilities shall be designed and operated to comply with chapter 296-62 WAC, the general occupational health standards.
- (iv) Total volatile and fixed residue at 550 C in bottom ash shall not exceed six percent by weight as determined by Section 4.10.1.2.2 of the ASME Power Test Code -33. Representative samples shall be taken according to the guidelines established by the department.
- (d) Storage requirements.
- (i) Storage of ash shall be in totally enclosed buildings, in leak-proof containers, or in tanks;
- (ii) Storage shall not exceed forty-five days from the date of generation of the ash; and/or the storage amount not exceed thirty days of daily production; and
- (iii) Storage shall be in an area served by the floor and surface drain requirements in (c)(ii) of this subsection.
- (e) Transport of ash from an incineration or energy recovery facility to an off-site or on-site disposal facility shall be in covered and sealed vehicles or containers to avoid wind dispersal or fluid leakage. Owners and operators shall prevent ash trackout onto the site and the public right-of-way by employing tire washing or any equivalent means. Contaminated washwaters shall be disposed of according to (c)(ii) of this subsection.
- (f) Waste management accountability. All owners or operators of incineration or energy recovery facilities shall:
- (i) Establish procedures acceptable to the department for tracking movements of special incinerator ash from the point of generation and/or handling to the site of final deposit or disposal. Such tracking method may include inventory control and tracking systems, scale/ticket/receipt tracking, gate logs, operating logs, or material balances;
- (ii) File a report with the department if the owner or operator has not confirmed that an ash waste has been received at the intended destination within forty-five days of the date the waste was accepted by the transporter. The report must include:
- (A) A legible copy of the shipping paper or manifest for which the owner or operator does not have confirmation of delivery; and

(B) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of these efforts.

(g) Other state and local requirements. All generators shall comply with all federal, state, and local environmental and industrial hygiene right-to-know laws and regulations, including chapter 197-11 WAC, the State Environmental Policy Act rules; chapter 173-304 WAC, the Minimum Functional Standards for Solid Waste Handling; and chapter 173-434 WAC, the air emission rules for incinerators.

(4) Annual report requirements. All generators shall submit annual reports to the department by March 1 of the following year on forms specified by the department specifying:

- (a) Annual amounts, in tons, of:
- (i) Municipal solid waste incinerated;
- (ii) Bottom ash generated; and
- (iii) Flyash/scrubber residue generated.
- (b) Disposal sites for all special incinerator ash and, for multiple disposal sites, the amounts of disposal occurring in tons per year;
- (c) Permittee's name, address, telephone number, date of permit issuance and expiration date for the disposal sites listed in (b) of this subsection;
- (d) Designation test results. The results of testing bottom ash and flyash/scrubber residues separately on representative samples taken each quarter of the year and subjected to the criteria of WAC 173-303-100, and results of testing bottom ash quarterly for total volatile and fixed carbon residue according to subsection (3)(c)(iv) of this section. Representative sampling methods shall follow guidelines specified by the department;
- (e) Toxics separation test results. The results of testing bottom ash and flyash separately for toxic metals from samples taken in (d) of this subsection, in order to judge the progress made in toxic metals separation and reduction;
- (f) Special test results. The results of testing bottom ash and flyash separately for dioxins and dibenzo-furans on a composite sample made from the eight quarterly samples taken in (d) of this subsection; and
- (g) Ambient lead and cadmium samples taken in the air and soil respectively at the property boundary to demonstrate compliance with the performance standard of WAC 173-306-440 (2)(b) and (c). The samples shall be taken annually for cadmium and quarterly for lead, unless otherwise approved by the department.

NEW SECTION

WAC 173-306-300 PERMIT REQUIREMENTS FOR DISPOSAL FACILITIES. (1) Applicability. The permit standards of WAC 173-306-300 through 173-306-330 apply to disposal facilities as defined in WAC 173-306-100. These standards do not apply to generators of special incinerator ash who only handle, store and collect ash on-site and transport ash off-site, nor to facilities specifically excluded under WAC 173-306-400 through 173-306-490.

(2) No disposal facility shall be established, constructed, altered, expanded, or closed, until the owner or operator has obtained a permit issued pursuant to this chapter or a modified permit issued pursuant to WAC 173-306-310(3).

(3) Effective dates for permit requirements. The permit requirements of this section apply to all applicable existing, new or expanding disposal facilities as of July 1, 1989.

NEW SECTION

WAC 173-306-310 PERMIT PROCEDURES. (1) Application procedures.

(a) Persons owning or operating new or expanded ash disposal facilities shall apply to the department for a permit, prior to accepting any special incinerator ash for disposal. Monofill owners who have successfully complied with Design B requirements of WAC 173-306-450 (4)(a)(i) during the eighteen-month demonstration period shall apply for a permit prior to using the Design B liner. Applicants shall file two copies of the application with the department that have:

(i) Been signed and notarized as correct by the owner and operator; and

(ii) Attached evidence of compliance with the requirements of chapter 197-11 WAC, the State Environmental Policy Act rules.

(b) Permit applications must contain the information set forth in WAC 173-306-330 in order to be considered complete. Upon receipt of a permit application, the department shall review the application for completeness and notify the permit applicant accordingly.

(c) Within thirty days of receipt of a complete application, the department shall give notice of its receipt of a proposed complete permit application to the public and to interested persons for public comment for thirty days after the date of publication.

(d) The department will perform the following additional public notification requirements:

(i) Mailing the notice to persons who have expressed an interest in being notified;

(ii) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;

(iii) The public notification requirements do not apply for permit renewal, if there are no increases in volume or changes in characteristics of discharge beyond those previously authorized;

(iv) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication;

(v) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision;

(vi) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

(2) Issuance procedures.

(a) The department shall review each completed application to determine:

(i) Whether the disposal facility meets the requirements of this chapter;

(ii) Whether the disposal facility has been adequately addressed in the city and county comprehensive solid waste management plan as applicable; and

(iii) Whether the disposal facility complies with other environmental laws and regulations.

(b) The department shall approve, deny, or conditionally approve a completed permit application within sixty days of receipt of department notice.

(c) The department shall issue up to five-year term permits for ash disposal; applications for reissuance of permits shall be made at least six months prior to permit expiration. The applicant and the department shall follow the procedures of WAC 173-306-300 (1) and (2) in applying for and reissuing permits.

(3) Modification and revocation procedures. When the department obtains any information justifying, or the applicant applies for modification of an existing permit, the department may modify or revoke and reissue the permit according to the procedures of this section. An updated application may be requested if necessary. When a permit is modified only the conditions subject to modification are reopened. If a permit is revoked and reissued the entire permit is reopened and subject to revision and the permit is reissued for a new term.

NEW SECTION

WAC 173-306-320 DEMONSTRATION AND CLASS-USE PERMITS. (1) Demonstration permits. Demonstration permits may be required for persons reusing or utilizing waste on the land in a manner constituting disposal (see WAC 173-306-490 (2)(b)), and who must demonstrate that the proposed reuse or utilization will successfully meet the requirements of WAC 173-306-490 (2)(b)(ii) before full scale reuse or utilization is practiced.

(a) The demonstration permit will be issued in accordance with the procedures of WAC 173-306-310;

(b) The demonstration permit shall address those requirements necessary to meet the standards of WAC 173-306-490 (2)(b)(ii) and (iii), and show that a disposal facility meeting the requirements of this chapter is available in case the demonstration fails or this permit is revoked;

(c) The demonstration permit shall provide a specific time period for the demonstration; the department may extend the demonstration period as a modification of the demonstration permit;

(d) Unless otherwise approved by the department, the permittee shall submit a report to the department within ninety days of the end of the demonstration. The report shall contain the results of all field tests and laboratory analyses and all data developed during the demonstration period. The department shall then use the information to determine whether or not there is adequate information to issue a class-use permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-306-490 (2)(b)(ii) and

(iii). If the information is adequate, the department will proceed to issue a class-use permit under the provisions of this section. If the information is inadequate, the department may, as the situation warrants, either issue a modification to the demonstration permit in accordance with the procedures of WAC 173-306-310(3) and this subsection, or deny the class-use permit application.

(2) Class-use permits. Class-use permits are required for persons who distribute reused or utilized ash on the land in a manner constituting disposal; the permit is issued to the seller or distributor of reused ash or ash products to a class of users.

(a) The class-use permit will be issued in accordance with the procedures of WAC 173-306-310;

(b) The class-use permit shall contain those requirements necessary to meet the standards of WAC 173-306-490 (2)(b), including reporting requirements; and

(c) The department will place limitations on the class of users of reused ash or ash products if it is shown that such limits are necessary to protect human health and the environment.

NEW SECTION

WAC 173-306-330 APPLICATION CONTENTS FOR PERMITS. (1) Application contents for permits for new or expanded facilities.

(a) All permit applications shall contain the following:

(i) A general description of the facility;

(ii) The types of ash to be handled at the facility;

(iii) The plan of operation required by WAC 173-306-405(3) (except for demonstration and class-use permits, WAC 173-306-320);

(iv) The operating log required by WAC 173-306-405(4) (except for demonstration and class-use permits, WAC 173-306-320); and

(v) The inspection schedule and inspection log required by WAC 173-306-405.

(b) Application contents for monofill facilities. In addition to the requirements of (a) of this subsection, each monofill application for a permit must contain:

(i) A hydrogeological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including holocene within two hundred feet of the active area and three thousand feet of all other faults, unstable slopes, and subsidence areas on site; or a department approved geologic hazard assessment study;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of the uppermost aquifer;

(E) Direction of regional ground water;

(F) Quantity, location, and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background and surface water quality assessment, and for expanded facilities, identification of impacts to date of applicant's existing facilities upon ground and surface waters from monofill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and, where applicable, a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the siting standards of WAC 173-306-350;

(B) Relationship of facility to city and county solid waste comprehensive plan as applicable and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of materials for daily cover and borrow sources for final cover and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Leachate detection where applicable;

(G) Fugitive dust controls;

(H) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements;

(I) The run-on and run-off system;

(J) The design to avoid washout;

- (K) Filling phases, interim cover and final cap elevation;
- (L) Closure/post-closure design, construction, maintenance, and land use;
- (M) Signs, fencing, and road paving; and
- (N) Scales, employee amenities, communication, and unloading areas.
- (iii) An operation plan that addresses:
 - (A) Operation and maintenance of leachate collection, treatment, and disposal systems;
 - (B) Operation and maintenance of fugitive dust controls;
 - (C) Monitoring plans for ground water, surface water, soils and ambient air to include sampling technique, frequency, handling, and analysis requirements;
 - (D) Safety and emergency accident/fire plans;
 - (E) Routine filling, grading, cover, and housekeeping; and
 - (F) Record system to address records on weights (or volumes), number of vehicles, and the types of waste received.
- (iv) A closure plan that addresses:
 - (A) Estimate of closure season/year;
 - (B) Capacity of site in volume and tonnage;
 - (C) Maintenance of active fill versus completed, final covered acreage;
 - (D) Estimated closure construction timing and notification procedures;
 - (E) Inspection by regulatory agencies;
 - (F) Items required in WAC 173-306-410(3); and
 - (G) Identification of final closure cost including cost calculations and funding mechanisms.
- (v) A post-closure plan that addresses:
 - (A) Estimated time period for post-closure activities;
 - (B) Site monitoring of ash monofill, soil, air, ground water, and surface water;
 - (C) Deed clause changes, land use, and zoning restrictions;
 - (D) Maintenance activities to maintain cover and run-off systems;
 - (E) Items required in WAC 173-306-410(6);
 - (F) Identification of post-closure costs including cost calculations and funding mechanisms; and
 - (vi) Other information as required by the department.
- (c) Application contents for treatment (including solidification and stabilization) standards. In addition to the requirements of (a) of this subsection, each application for a treatment permit must contain:
 - (i) Preliminary engineering reports/plans and specifications that address:
 - (A) The chemical and physical principle(s) upon which the treatment is based, including laboratory, pilot plant, prototype, or full-scale data with sufficient detail to assure the department that the treatment process is feasible and to allow the department to specify capacity and operating conditions;
 - (B) Tank, reaction vessel, furnace, total-enclosed treatment facility and container designs and the basis for selecting the materials of construction and the thickness of the treatment device (such as corrosion data) or protective lining;
 - (C) Fugitive dust controls, including conveyor, transport, unloading, and building design;
 - (D) Instrumentation and process control design to assure operating within conditions specified in the permit;
 - (E) Warning signs and occupational health and safety engineering controls;
 - (F) Monitoring equipment; and
 - (G) Other factors as required by the department.
 - (ii) An operation plan that addresses:
 - (A) Operation and maintenance of the treatment device;
 - (B) Operation and maintenance of fugitive dust controls;
 - (C) Monitoring as required in WAC 173-306-500 and the department on a case-by-case basis; and
 - (D) Safety, occupational health, and emergency accident/fire plans.
 - (iii) A closure plan that addresses:
 - (A) Estimate of closure year and cost;
 - (B) Methods of removing wastes and cleaning or decontaminating reaction devices and final disposal of both;
 - (C) Closure timing and notification procedures;
 - (D) Final inspection by regulatory agencies;
 - (E) Items required in WAC 173-306-410(3); and
 - (iv) Other information as required by the department.
- (d) Application contents for reuse and utilization facilities. In addition to the requirements of (a) of this subsection, each application for reuse and utilization must contain:

- (i) For accumulation prior to reuse or utilization facilities:
 - (A) The method of calculating the percent of ash being reused within a calendar year; and
 - (B) Compliance with the generator management plan storage requirements of WAC 173-306-200 (3)(d)(i) and (ii) if accumulation is by the generator; or
 - (C) Compliance with the monofill facility standards of WAC 173-306-440 if accumulation is by a disposal facility.
- (ii) For reuse constituting disposal facilities:
 - (A) Information supplied by the applicant pertaining to the factors of WAC 173-306-490 (2)(b)(iii); and
 - (B) Other information as required by the department.
- (2) Application contents for permits for existing facilities. Existing facilities applying for a permit to comply with the requirements of WAC 173-306-310 shall:
 - (a) Include the information required in subsection (1)(a) of this section; and
 - (b) Other information as required by the department.

NEW SECTION

WAC 173-306-340 ENGINEERING REPORTS, PLANS AND SPECIFICATIONS REQUIRED IN PERMITS. (1) Prior to construction or modification of disposal facilities, final engineering reports, plans and specifications shall be submitted to and approved by the department according to a compliance schedule specified in the permit. The engineering report for a disposal facility shall be sufficiently final so that plans and specifications can be developed from it without substantial changes.

(2) All final engineering reports, plans and specifications should be submitted by the owner or operator consistent with the compliance schedule in the permit and at least thirty days prior to the time approval is needed. The department will review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner or operator will be notified and informed of the reason for the delay.

(3) The final engineering report may be submitted prior to or concurrently with the final plans and specifications.

(4) The department will review the documents to ascertain that the proposed facility will be:

(a) Designed, constructed, operated, maintained, and closed to meet the requirements of the permit issued pursuant to this chapter; and

(b) Consistent with good engineering practices.

(5) Within thirty days following acceptance by the owner or operator of or modification to an ash disposal facility, a professional engineer in responsible charge of inspection of the project shall submit to the department one complete set of record drawings or as-builts, and a declaration stating the facilities were constructed in accordance with the provision of the construction quality assurance plan and without significant change from the department approved plans and specifications.

NEW SECTION

WAC 173-306-345 CONSTRUCTION QUALITY ASSURANCE PLAN. (1) Prior to construction or modification, a detailed plan must be submitted to and approved by the department, showing how adequate and competent construction inspection will be provided. Submission of the plan shall be according to a schedule specified in the permit.

(2) The construction quality assurance plan shall include:

(a) A construction schedule summarizing planned construction activities, noting sequence interrelationships, durations, and terminations;

(b) Description of construction management, organization management procedures, lines of communication, and responsibility;

(c) Description of anticipated quality control testing, including type of test, frequency, and who will perform the tests;

(d) Description of construction inspection program including inspection responsibilities, anticipated inspection frequency, deficiency resolution, and inspector qualifications; and

(e) For monofills, how WAC 173-306-440 (4)(v) is to be met.

NEW SECTION

WAC 173-306-350 INCINERATOR ASH SITING STANDARDS FOR DISPOSAL FACILITIES. (1) Applicability. These

standards apply to all new or expanded monofills. These standards do not apply to:

(a) Existing monofills or monofills that have closed before the effective date of this chapter; or

(b) Treatment, utilization, or processing facilities.

(2) Siting standards.

All applicable disposal facilities shall be subject to the following locational standards:

(a) Geology. No facility shall be located within two hundred feet, measured horizontally, from a fault that has had displacement in holocene times, and all faults within three thousand feet of a facility must be identified and evaluated in WAC 173-306-330(1), where such existing geologic information is available or can be obtained with reasonable effort. For sites for which fault information cannot reasonably be obtained, a geologic hazard assessment performed by an experienced, qualified geologist may be substituted for this siting criteria, if the study methods are reviewed and approved by the department prior to the investigation.

(b) Ground water.

(i) No facility shall be located where the depth from the lowest point of the bottom liner to the seasonal high water level of the upper most aquifer of beneficial use is less than ten feet or 120 days travel time hydraulically, whichever is greater. The regional aquifer will be determined by the department on a site-by-site basis with the necessary information to be provided by the applicant.

(ii) No facility shall be located over a sole source aquifer.

(iii) No facility's active area shall be located closer than one thousand feet to the nearest downgradient ground water intake for domestic water in use and existing at the time of permit application unless the owner or operator can show that the active area is no less than one hundred twenty days travel time hydraulically to the nearest downgradient ground water intake for domestic water.

(c) Natural soils. No facility shall be located:

(i) Where known subsidence exists within the facility boundary;

(ii) In an area where unstable slopes may impact the active area of the facility;

(iii) Where weak or unstable soils exist within the proposed facility boundary, unless the structural stability of the soils is mitigated through engineering practices. (The following soils or conditions are defined as weak or unstable: Organic soils, expansive soils, liquefaction sands, soft clays, sensitive clays, loess and quick conditions.)

(d) Flooding. No facility's active area shall be located within the one hundred-year flood elevation as indicated in the most current Federal Emergency Management Agency maps.

(e) Surface water. No facility's active area shall be located within five hundred feet, measured horizontally, of the ordinary high water mark of any perennial surface water body.

(f) Sensitive areas. No facility shall be located:

(i) In an area that would result in the taking of species or the direct elimination of critical habitat for federal or state listed threatened or endangered species;

(ii) In a wetland as defined by the United State Fish and Wildlife Service (Cowardin et al. 1979); this restriction may be evaluated on a case-by-case basis in areas for which there exists possible beneficial use of existing dense soils and vertical distance to ground water;

(iii) In a shoreline of the state under the jurisdiction of the Shoreline Management Act;

(iv) In an area classified as a wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577);

(v) In a state or federally designated wildlife refuge or a game farm;

(vi) In an area with city, county, state, or federal designation as a park or recreation area or any area provided for under chapter 79.70 RCW, natural area preserves;

(vii) In an area with city, county, state, or federal designation as an archaeological or historic area or a national monument.

(g) Land use. No facility shall be located so that its active area is closer than two hundred feet to the facility property line. The active area may be no closer than one thousand feet to the nearest housing unit in an existing residential development. The one thousand-foot rule may be evaluated on a case-by-case basis in rural areas and unincorporated towns.

(h) Climatic factors. No facility shall be located in an area that has a history of severe climatic factors without engineered protection to mitigate those factors. Severe climatic factors, include but are not limited to, high annual rainfall, extreme temperatures (high or low), and high winds.

NEW SECTION

WAC 173-306-400 ASH DISPOSAL FACILITY STANDARDS. (1) Applicability. The standards of WAC 173-306-405 through 173-306-470 are the ash disposal standards and apply to all disposal facilities except ash disposal facilities that have engaged in closure or have closed before the effective date of this chapter.

(2) Standards for permits. The standards of WAC 173-306-405 through 173-306-470 shall be used as the basis for permitting as required in WAC 173-306-300.

(3) Effective dates.

(a) All existing ash disposal facilities not in conformance with these standards shall be placed upon compliance schedules as part of the permit issued in WAC 173-306-300. Full compliance shall be within three years of the effective date of this chapter; however, the following facility standards shall be met within eighteen months of the effective date of this chapter:

(i) The general facility standards of WAC 173-306-405;

(ii) The operating and maintenance standards of WAC 173-306-440(5); and

(iii) The monitoring requirements of WAC 173-306-500.

(b) All new and expanded facilities shall meet the ash disposal facility standards of WAC 173-306-405 to 173-306-470 after the effective date of this chapter.

NEW SECTION

WAC 173-306-405 GENERAL FACILITY OPERATIONAL STANDARDS. (1) Applicability. All applicable ash disposal facilities shall meet the requirements of this section.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of an ash disposal facility present an imminent and substantial hazard to the health of employees, the public health or the environment.

(3) Plan of operation. Each owner or operator shall develop and use the plan of operation required during the permitting process in WAC 173-306-300. The plan shall describe the facility's operation and shall convey to the operating personnel the concept of operation intended by the designer. The facility shall be operated in accordance with the plan; modifications to the plan must be approved by the department. The plan of operation shall be available for inspection at the request of the department. Each plan of operation shall include:

(a) Ash management during the facility's active life;

(b) Frequency and methods of inspections and monitoring;

(c) Employee safety and training, addressing protection from exposure and contact with ash, employee training, and medical monitoring; also a safety plan or procedure;

(d) Actions to take for sudden release of ash to surface water or dispersal by wind;

(e) Modifications to the plan permit and/or plan of operation in the event of ground water contamination;

(f) Equipment maintenance, particularly for leachate collection and treatment; and

(g) Other such details as required by the department.

(4) Recordkeeping. The facility owner or operator shall keep a written operating record at his facility that must be furnished upon request and made available at all reasonable times, to any employee of the department.

(a) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(i) The type and quantity of each ash shipment received or managed on-site and the method(s) and date(s) of management at the facility;

(ii) Records and inspection results as required by subsection (5) of this section;

(iii) Monitoring, testing, or analytical data where required by WAC 173-306-500;

(iv) All closure and, for final deposit, post-closure cost estimates required for the disposal facility; and

(v) Deviations from the plan of operation specified in subsection (3) of this section.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the department.

(5) Reporting. Each owner or operator shall prepare and submit a copy of the annual report to the department by March 1 of the following year. The annual report shall cover facility activities during the previous year and must include the following information:

- (a) The name and address of the disposal facility;
- (b) The calendar year covered by the report;
- (c) Annual quantity in tons and the type of ash accepted by the disposal facility and the method of management;
- (d) Results of soil, air quality, and ground water monitoring required in WAC 173-306-440;
- (e) The most recent closure cost estimate and, for final deposit monofills, post-closure cost estimates under WAC 173-306-410; and
- (f) Other information required by the department.

(6) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of ash to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including, at a minimum, the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be made available to the department upon request.

(7) Other state and local requirements. All ash disposal facilities shall comply with all state and local laws and regulations such as zoning, land use, fire protection, industrial safety and hygiene, water pollution, air pollution, nuisance and aesthetics.

NEW SECTION

WAC 173-306-410 GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS. (1) Applicability. The closure requirements of subsections (2), (3), and (4) of this section apply to all disposal facilities. The post-closure requirements of subsections (5), (6), and (7) apply to monofills subject to WAC 173-306-440.

(2) Closure performance standard. Each owner and operator shall close their facility in a manner that:

- (a) Minimizes the need for further maintenance;
- (b) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of ash constituents, leachate, monofill gases, contaminated rainfall or ash decomposition products to the ground or soil, ground water, surface water, and the atmosphere; and
- (c) Prepares the facility for the post-closure period.

(3) Closure plan and amendment. Closure as defined in WAC 173-306-100 includes, but is not limited to, grading, seeding, landscaping, contouring and screening.

(a) Each owner or operator shall develop and use a plan of closure approved by the department as part of the permitting process of WAC 173-306-310.

(b) The closure plan shall project time intervals at which closure activities are to be implemented, identify estimated closure costs and project fund withdrawal intervals from the approved financial assurance instrument, where applicable.

(c) No owner or operator shall commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the department, and until a financial assurance instrument has been provided, as required by WAC 173-306-470.

(d) The department may determine at its discretion and for cause that a facility closure plan is invalid and require an owner or operator to:

- (i) Amend the facility closure plan and obtain the department's written approval; and/or
- (ii) Cease facility operation or closure activities in part or wholly until an approved closure plan is obtained.

(e) Each owner or operator shall close the facility in accordance with the approved closure plan and all approved amendments.

(4) Closure procedures.

(a) Each owner or operator shall notify the department and, where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in part or whole, no later than one hundred eighty days prior to the projected final receipt of waste at part of or at the entire facility.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of a final volume of ash and/or attaining the final monofill elevation at part of or at the entire facility as identified in the approved facility closure plan.

(c) Ash shall not be accepted for use in closure except as identified in the closure plan approved by the department, as required in subsection (3)(a) of this section.

(d) When facility closure is completed in part or whole, each owner or operator shall submit to the department:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington. The plan shall reflect all as-built changes to final closure construction as approved in the closure plan; and

(ii) An affidavit signed by the owner or operator and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) Maps and a statement of fact concerning the location of the final deposit shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying ash amounts, locations and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(f) When the department finds the facility has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section, the department shall:

(i) Issue a certificate of closure for the site to the owner or operator and the department; and

(ii) Notify the owner or operator and the department that the facility post-closure period has begun in part or whole on a specified date.

(5) Post-closure performance standard. Monofill owners or operators shall provide post-closure activities as needed to protect human health and the environment.

(6) Post-closure plan and amendment. Post-closure includes monitoring of ground water, surface water, and air quality; maintenance of the facility, facility structures, and monitoring systems; and other activities deemed appropriate by the department.

(a) The owner or operator shall develop and use a post-closure plan approved as a part of the permitting process in WAC 173-306-310. The post-closure plan shall address facility maintenance and monitoring activities for a thirty-year period or until the site becomes stabilized (i.e., cap integrity maintained, little or no settlement or leachate production such that all monitoring activities can be safely discontinued).

(b) The post-closure plan shall project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(c) No owner or operator shall commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the department, and until a financial assurance instrument has been provided, where applicable, as required by WAC 173-306-470. Facility post-closure activities must be completed in accordance with the approved post-closure plan or the plan must be so amended with the approval of the department.

(d) The department may determine at its discretion and for cause that a facility post-closure plan is invalid and require an owner or operator to:

(i) Amend the facility post-closure plan and obtain the department's written approval; and/or

(ii) Cease facility operation or closure activities in part or wholly until an approved post-closure plan is obtained.

(7) Post-closure procedures.

(a) Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection (4)(d)(i) and (ii) of this section. The department may direct that post-closure activities cease until the owner or operator has received the department's certification of closure and a notice to proceed with post-closure activities.

(b) When post-closure activities are complete, the owner or operator shall submit an affidavit to the department, signed by the owner or operator and a professional engineer registered in the state of Washington, stating why post-closure activities are no longer necessary.

(c) If the department finds that post-closure activities have stabilized the facility, the department may, at its discretion, authorize the

owner or operator to discontinue post-closure maintenance and monitoring activities. The department shall certify the end of the post-closure care period by issuance of a certificate of post-closure completion to the facility owner or operator.

NEW SECTION

WAC 173-306-440 ASH MONOFILL FACILITY STANDARDS. (1) Applicability. This section applies to owners and operators of facilities that monofill special incinerator ash, except as WAC 173-306-400 provides otherwise.

(2) Minimum standards for performance.

(a) Ground water. Monofill owners or operators shall not contaminate underlying ground water beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-306-100.

(b) Soil. Soils at the property boundary shall not exceed the following limits for cadmium due to the facility based upon annual samples:

(i) The annual increase in cadmium loading in the upper six inches of soil with a pH equal to or greater than 6.5 shall not exceed 0.5 kilograms per hectare annually or a total accumulation of 20 kilograms per hectare; and

(ii) The annual increase in cadmium loading in the upper six inches of soil with a pH less than 6.5 shall not exceed a total accumulation of 5.0 kilograms per hectare.

(c) Air quality. Monofill owners or operators shall not cause a violation of an emission standard from any emission of particulates, dusts or gases associated with the operation and/or closure/post-closure of the landfill nor any ambient air quality standard at the property boundary including the following ambient lead standard:

The level of lead and its compounds measured as elemental lead in suspended particulate matter measured during a twenty-four hour sample taken at the downwind facility boundary shall not exceed 1.5 micrograms per cubic meter of air due to the facility's operation. The sampling frequency will be monthly unless otherwise approved by the department.

(d) Surface waters. Monofill owners or operators shall not cause a violation of any receiving water quality standard or violate chapter 90.48 RCW from discharges of surface run-off, leachate, or any other liquid associated with a monofill.

(3) Siting standards. Monofill owners or operators receiving special incinerator ash shall comply with incinerator ash siting standards of WAC 173-306-350(2).

(4) Minimum design standards.

(a) Minimizing liquids. Monofill owners or operators shall minimize liquids admitted to active areas by:

(i) Covering according to subsection (5)(e) of this section.

(ii) Disposing of no ash containing free liquids unless approved by the department;

(iii) Designing, constructing, and maintaining run-off controls to restrict the chance of a run-off event from releasing contaminated run-off waters to an annual probability of one percent or less (one hundred-year event or greater). In meeting this requirement the following items are to be considered:

(A) The design of the containment structure(s) should be selected based on the ability of the facility to store, test, and/or treat the run-off during a twenty-four hour or longer storm event.

(B) The design storm event occurs during the final year of the active life of the monofill or at a time when the facility is most vulnerable to a storm which could produce the release of contaminated waters. The method of placement of the ash should be considered when determining the volume available for storage of run-off.

(C) A minimum of one foot of freeboard (measured from the invert of the emergency spillway) should be maintained following the occurrence of the design storm.

(D) An emergency spillway is to be constructed for the containment structure to provide controlled release of excess run-off waters in the case where the design storm is exceeded.

(iv) Design, construct, and maintain diversion channels, channel containment berms, culverts, pipes, and other drainage control features to pass and/or store run-on to restrict the chance of failure of the drainage control features to an annual probability of one percent or less (one hundred-year event or greater). In meeting this requirement the following items are to be considered:

(A) For those cases where the run-on waters are to be stored and/or treated, selection of the design storm should be based on the appropriate procedures governing run-off controls.

(B) For those cases where the run-on waters are to be diverted around the facility, the drainage control features should be sized to

pass the run-on peak discharge (design flood) of a magnitude having an annual exceedance probability of one percent or less (one hundred-year flood peak discharge or greater).

(C) Sufficient erosion protection and freeboard (one foot minimum) are to be provided for all drainage control features to preclude failure of those features during passage of the design flood.

(v) Submit engineering plans and specifications for any containment barrier equalling or exceeding as storage capacity of ten acre-feet to the department's dam safety section for review under RCW 90.03.350.

(b) Leachate systems. Monofill owners or operators shall:

(i) Install a department-approved leachate collection system sized according to water balance calculations or using other accepted engineering methods;

(ii) Install a leachate collection system so as to prevent no more than one foot of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment to meet requirements of WAC 173-306-200 (3)(c)(ii)(B) through (E).

(c) Liner and final cap design. Ash monofill owners or operators shall comply with the requirements of WAC 173-306-450.

(d) Liner construction and inspection. Ash monofill owners or operators shall:

(i) Comply with the requirements of WAC 173-306-450.

(ii) Employ an independent third party as defined in WAC 173-306-100 to inspect the liners during construction and installation for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, foreign materials) and quality of construction; immediately after construction and installations inspect:

(A) Synthetic liners and covers for tight seams and joints and the absence of tears, punctures or blisters; and

(B) Soil-based and admixed liners and covers for imperfections (e.g., lenses, cracks, channels, root holes) or structural nonuniformities that may affect liner permeability.

(e) Filling requirements for ash cells. Monofill owners or operators shall design and fill ash monofills in phases or cells, as defined in WAC 173-306-100. Only one phase shall be open and in use at one time; each phase shall be graded and covered with a flexible high density polyethylene liner during the interim period before reaching final elevation. The liner shall be 60 mils and have the ability to withstand weather conditions. The owner or operator shall provide, as part of the interim cover, a method of detecting and/or monitoring/inspecting the integrity and any possible failure of the interim cover.

(f) Fugitive dust controls. Monofill owners and operators shall:

(i) Employ tire washing for all ash-carrying vehicles as they leave the site or any equivalent method to prevent the trackout of ash onto the site and the public right of way. Contaminated wash-waters shall be disposed of according to WAC 173-306-200 (3)(c);

(ii) Orient the major axis of the active area of the monofill with respect to the prevailing wind directions so as to minimize the effect of wind upon dispersion of special incinerator ash unless engineering designs can provide equivalent protection; and

(iii) Provide for paved approach and exit roads outside the active area with traffic separation and traffic control on-site and at the site entrance.

(g) Other design requirements. Monofill owners and operators shall:

(i) Post signs at each entrance to the active portion and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend "Danger - unauthorized personnel keep out" or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet;

(ii) Have either:

(A) A twenty-four-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility;

(B) An artificial or natural barrier; or

(C) A combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(iii) Provide for monitoring according to WAC 173-306-500 using a design approved by the department;

(iv) Weigh all incoming ash on scales or provide an equivalent method of measuring ash tonnage;

(v) Provide for employee facilities including shelter, toilets, hand-washing facilities, and potable drinking water;

(vi) Provide for unloading area(s) to be as small as possible, consistent with traffic patterns and safe operation;

(vii) Provide communication (such as telephones) between employees working at the monofill and on-site or off-site management offices to handle emergencies.

(5) Minimum functional standards for operation and maintenance. All owners and operators shall:

(a) Prohibit the co-disposal of any other solid or hazardous waste in a special incinerator ash landfill;

(b) Comply with the requirements of the general operation standards, WAC 173-306-405;

(c) Control fugitive dust by wetting, by the use of dust suppressing substances, covering, compacting, or otherwise managing the active area of the monofill to control wind dispersal and prevent visible emissions of windblown dust. Road dust on unpaved roads shall also be similarly controlled.

(d) Clearly mark the active area boundaries authorized in the permit, with permanent posts or using an equivalent method clearly visible for inspection purposes.

(e) Compact and cover ash daily prior to adding successive layers according to the requirements of WAC 173-306-450.

(f) Maintain the monitoring systems required in subsection (4)(e)(iii) of this section;

(g) Inspect the monofill weekly while it is in operation and after major storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems and interim cover;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (4)(c) of this section. The department shall be notified of any leaks into the leak detection system within seven days after detecting the leak and immediately remove any accumulated liquid. Notification shall include a schedule for determining the cause of the leak and any remedial measures or increased ground water monitoring to assure that the performance standards of subsection (2)(a) of this section are met;

(iii) The presence of leachate in, and proper functioning of, leachate collection and removal systems; and

(iv) Proper functioning of engineered wind dispersal control systems.

(h) Record the inspections in the log as required in WAC 173-306-405(6).

(6) Closure and post-closure care.

(a) At final closure of the monofill or upon closure of any cell, the owner or operator must cover the monofill or cell with a final cover designed and constructed according to subsection (4)(c) of this section and comply with all closure requirements of WAC 173-306-410;

(b) After final closure, the owner or operator must comply with all post-closure requirements of WAC 173-306-410, and must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Prevent run-on and run-off from eroding or otherwise damaging the final cover;

(iii) Maintain and monitor the leak detection system in accordance with subsection (4)(c) of this section, where such a system is present; the owner or operator shall immediately remove any accumulated liquid and notify the department of any leaks into the leak detection system within seven days after detecting the leak. Notification shall include a schedule for determining the cause of the leak and any remedial measures or increased ground water monitoring to assure that the performance standards of subsection (2)(a) of this section are met;

(iv) Operate the leachate collection and removal system; and

(v) Maintain and operate the monitoring systems of WAC 173-306-500.

NEW SECTION

WAC 173-306-450 LINER AND FINAL CAP DESIGN AND CONSTRUCTION STANDARDS. (1) Applicability. This section applies to owners or operators of facilities that monofill combined or separated special incinerator ash, except as WAC 173-306-400 provides otherwise.

(2) Liner design.

(a) Owners or operators that monofill combined or separated fly ash and bottom ash shall comply with the requirements of Design A, subsection (3) of this section.

(b) Owners or operators that demonstrate ability to maintain the permeability requirements of Design B during an eighteen-month demonstration period may elect to use Design B following the demonstration period.

(3) Design A.

(a) General requirements. Owners or operators shall comply with the liner inspection requirements of WAC 173-306-440 (4)(d) and siting and design requirements of WAC 173-306-440 (3) and (4). In addition, owners or operators shall:

(i) Thoroughly compact ash residues. Owners or operators wishing to use the Design B liner shall comply with subsection (4)(a)(i) and (ii) of this section.

(ii) Provide daily cover to prevent fugitive dust emissions and run-on and run-off discharges. Cover material may include high density polyethylene or any department approved equivalent material.

(b) Liner design. The liner shall be an engineered liner of the following design.

(i) A foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; foundation slope shall be a minimum of two percent;

(ii) Next, a single composite liner consisting of an engineered soil liner at least two feet thick having permeability of 1×10 (to the minus six) cm/sec or the equivalent upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; liner slopes shall be a minimum of four percent;

(iii) Next, a leachate detection system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to ten (to the minus two) cm/sec with drain pipes;

(iv) Next, a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance;

(v) Next, a leachate collection and removal system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to ten (to the minus two) cm/sec with drain pipes; and

(vi) A fabric filter placed between the drainage layer and the first lift of special incinerator ash.

(4) Design B. Owners or operators that monofill combined or separated fly and bottom ash shall comply with these design criteria.

(a) General requirements. Owners or operators shall comply with the liner inspection requirements of WAC 173-306-440 (4)(d) and siting and design requirements of WAC 173-306-440 (3) and (4). In addition, owners or operators shall:

(i) Compact ash residues to a permeability of 1×10 (to the minus five) cm/sec. All ferrous material will be recovered using magnetic separation or an equivalent method approved by the department so that the pozzolanic effect of compacted ash will not be impeded.

(ii) Test each lift for ash permeability using guidance established by the department. Lift thickness prior to compaction shall not exceed one foot.

(A) Design B liner design may be used as long as lift permeability tests at 1×10 (to the minus five) or less.

(B) If the ash permeability requirement cannot be maintained, the owner or operator shall immediately close the Design B cell according to the closure requirements of WAC 173-306-410 and subsection (5) of this section and recommence disposal activities using the Design A liner.

(iii) Provide daily cover to prevent fugitive dust emissions and run-on and run-off discharges. Cover material may include high density polyethylene or any department approved equivalent material.

(b) Liner design. The liner shall be an engineered liner of the following design:

(i) A foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; foundation slope shall be a minimum of two percent;

(ii) Next, a single composite liner consisting of an engineered soil liner at least two feet thick having a permeability of 1×10 (to the minus six) cm/sec or the equivalent upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; liner slopes shall be a minimum of four percent;

(iii) Next, a leachate collection system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to ten (to the minus two) cm/sec with drain pipes; and

(iv) A fabric filter placed between the drainage layer and the first layer of special incinerator ash.

(5) Final cap design. All owners or operators of special incinerator ash monofills shall comply with the following design requirements.

(a) Final cap's shall maintain a surface slope between two and five percent and side slope of no more than thirty-three percent and consist, from bottom to top, of:

(i) Two feet of ash, well graded (with ferrous material removed and having proportional size distribution of ash particles) and thoroughly compacted;

(ii) Next, a layer, system or mechanism capable of detecting cap failure;

(iii) Next, a fabric filter overlaid by at least two feet of clay having a permeability of 1×10 (to the minus six) cm/sec upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; and

(iv) Eighteen inches of native soil covered by six inches of topsoil.

(b) Final cap inspections shall be done in accordance with the liner inspection requirements of WAC 173-306-440 (4)(d).

NEW SECTION

WAC 173-306-470 FINANCIAL ASSURANCE. (1) Applicability.

These standards apply to all new and expanded monofill facilities, and to existing monofill facilities that have not closed before or within twelve months after the effective date of this chapter.

(2) Cost estimate for closure.

(a) Each owner or operator shall prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate must be in current dollars and represent the cost of closing the facility in accordance with the closure requirements in WAC 173-306-410.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure plan as required under WAC 173-306-410;

(ii) The closure plan shall project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iii) The closure cost estimate shall not be reduced by allowance for salvage value of equipment, ash or the resale value of property or land.

(b) Each owner or operator must prepare a new closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan;

(ii) There is a change in the expected year of closure that affects the closure plan; or

(iii) The department directs the owner or operator to revise the closure plan or closure cost estimate.

(c) Each owner or operator shall review the closure cost estimate thirty days prior to the anniversary date of the date on which the first closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure cost. Any cost changes shall be factored into a revised closure cost estimate and the revised cost estimate submitted to the department.

(d) During the operating life of the facility, the owner or operator shall make the closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, available for review.

(e) The department shall evaluate each cost estimate and may accept, or at its discretion require revision of, the cost estimate in accordance with its evaluation.

(f) The department may require the facility owner or operator to adjust the cost estimate in accordance with the department's review and direction.

(3) Financial assurance account for closure. Each owner or operator of an applicable monofill facility shall establish a financial assurance account in an amount that, over the life of the facility, will accumulate funds to be equal to the closure cost estimate prepared in accordance with subsection (2) of this section.

(a) Applicable monofill facilities that accept special incinerator ash must choose from the following financial assurance account options or combination of options:

(i) For monofill disposal facilities owned or operated by municipal corporations, the closure and post-closure reserve account shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for closure with an equivalent amount of fund balance reserved in the fund accounting for special incinerator ash activity; or published Budget Accounting Reporting System Manual; or

(B) The cash and investments held in a nonexpendable trust fund.

(ii) Closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department. The purpose of the closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for closure activities as identified in the approved closure plan.

(b) For private disposal facilities that accept public work, established closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) Any income in excess of the closure cost estimate accruing to the established closure financial assurance account will be at the owner's discretion as to the use of said funds.

(d) Excess moneys remaining in the closure financial assurance account after the department has certified the completion of closure as identified in WAC 173-306-410 (4)(f)(i) shall be returned to the owner or operator.

(4) Cost estimate for post-closure.

(a) Each owner or operator shall prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate must be in current dollars and represent the total cost of completing post-closure activities for the facility for a thirty-year post-closure period in accordance with the post-closure requirements in WAC 173-306-410.

(i) The post-closure cost estimate shall be based on a reasonable cost estimate for completing post-closure monitoring, maintenance, and other activities identified in the approved facility post-closure plan as required under WAC 173-306-410;

(ii) The post-closure plan shall project intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan;

(iii) The post-closure cost estimate shall not be reduced by allowance for salvage, value of equipment, ash, or the resale value of property or land.

(b) Each owner or operator shall prepare a new post-closure costs estimate for the remainder of the post-closure care twenty-year period in accordance with (a) and (c) of this subsection, whenever:

(i) Change in the post-closure plan increases the cost of post-closure care; or

(ii) The department directs the owner or operator to revise the post-closure plan or post-closure cost estimate.

(c) Each owner or operator shall review the post-closure cost estimate thirty days prior to the anniversary date of the date on which the first post-closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the post-closure cost. Any cost changes shall be factored into a revised post-closure cost estimate and the revised cost estimate submitted to the department.

(d) During the operating life of the facility, the owner or operator shall keep the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection available for review.

(5) Financial assurance account for post-closure. Each owner or operator of an applicable monofill facility shall establish a financial assurance account in an amount equal to the post-closure cost estimate prepared in accordance with subsection (4) of this section.

(a) Applicable monofill facilities that accept waste from the general public shall choose from the following options or combinations of options for accounting for the financial assurance account:

(i) For monofill disposal facilities owned or operated by municipal corporations, the post-closure reserve shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for post-closure with an equivalent amount of fund balance reserved in the fund accounting for special incinerator ash activity; or

(B) Cash and investments held in a nonexpendable trust fund.

(ii) Post-closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the post-closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for post-closure activities as identified in the approved post-closure plan.

(b) For private disposal facilities that accept public waste, established post-closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) Any income accruing to the established post-closure financial assurance account will be at the owner's discretion as to the use of said excess funds.

(d) Excess moneys remaining in the post-closure financial assurance account after the department has certified the completion of post-closure as identified in WAC 173-306-410 (7)(c) shall be returned to the owner or operator.

(6) Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds shall be generated at each facility by transferring a percentage of the facility user fees to the selected financial assurance instrument at the agreed upon rate to be specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) Each applicable facility owner or operator shall establish a procedure with the financial assurance instrument trustee for notification of nonpayment of funds to be sent to the Department of Ecology, Solid and Hazardous Waste Program, Mailstop PV-11, Olympia, WA 98504-8711.

(c) Each owner or operator shall file with the department an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, diverted to the financial assurance instruments.

(i) For monofill disposal facilities owned and operated by municipal corporations, the closure reserve account shall be audited according to the audit schedule of the office of state auditor and shall be filed with the department of ecology, including each of the post-closure care years.

(ii) For monofill disposal facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department no later than March 31 of each year for the previous calendar year, including each of the post-closure care years.

(B) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(d) Existing monofill disposal facilities may submit a written request with their annual audit to the department of ecology requesting a waiver from utilizing user fees to generate the moneys necessary for the closure and/or post-closure financial assurance account.

(i) The waiver request should provide documentation to demonstrate the facility user fees are prohibitively high, and include alternate method(s) for funding the facility's closure and/or post-closure financial assurance account;

(ii) The waiver request review procedure will be according to WAC 173-306-900.

(7) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan, the closure and/or post-closure plan shall be amended.

NEW SECTION

WAC 173-306-480 TREATMENT (INCLUDING SOLIDIFICATION AND STABILIZATION) STANDARDS. (1) Applicability. The standards of this section apply to treatment, as defined in WAC 173-306-100, of any special incinerator ash subject to this chapter. These standards do not apply to the manual or mechanical removal of ferrous metal from ash residues.

(2) Requirements. All owners and operators shall design, construct, operate, maintain, and close treatment facilities so as to:

(a) Meet the general facility standards of WAC 173-306-405;

(b) Only treat special incinerator ash in tanks, reaction vessels, furnaces (such as glass furnaces), containers, or totally enclosed treatment facilities (such as pipelines). No treatment process shall be designed to occur in ash piles, surface impoundments, or land treatment facilities;

(c) Only treat and contain special incinerator ash wastes in:

(i) Containers in good condition with appropriate warnings on each container for employees, emergency response personnel, and the general public as to the contents and/or hazard. Containers shall be of sufficient thickness and corrosion resistance to prevent rupture.

(ii) Tanks and reaction vessels in good condition with foundation, structural support and seams to assure sufficient strength under maximum loading conditions. The department shall review and approve tank and reaction vessel design. All tanks and reaction vessels will be closed or otherwise designed to avoid emissions of dusts or vapors to the atmosphere. Tanks and reaction vessels shall be of sufficient thickness and corrosion resistance to prevent rupture;

(iii) Totally enclosed treatment facilities in good condition and of a design and construction to avoid rupture under maximum operating conditions and capable of being inspected periodically; and

(iv) Furnaces in good condition structurally, designed and operated to accept only special incinerator ash and capable of being inspected periodically. The department may review and approve furnace design.

(d) Meet the performance standards of WAC 173-306-440(2). The department shall specify the type and frequency of all sampling and monitoring necessary to assure compliance.

(e) Assure that treatment of special incinerator ash occurs under conditions spelled out in prototype, pilot plant or full scale operation. The department shall approve the design and specify operating conditions.

(f) Control fugitive dust emissions in the handling of special incinerator ash by:

(i) Collecting and handling in enclosed buildings or the equivalent (e.g., covered conveyors and transfer points); and

(ii) Adding moisture, dust suppressants, or other methods as necessary.

(g) Comply with chapter 296-62 WAC, the general occupational health standards.

(h) Assure that treated special incinerator ash is disposed of according to this chapter or chapter 173-304 WAC, the minimum functional standards for solid waste, if the residues are designated as solid waste.

(i) Close the treatment facility according to the requirements of WAC 173-306-410.

NEW SECTION

WAC 173-306-490 REUSE AND UTILIZATION STANDARDS. (1) Applicability.

(a) These standards apply to persons who reuse or utilize special incinerator ash including:

(i) Generators of special incinerator ash;

(ii) Owners and operators of disposal facilities; and

(iii) Persons who neither generate nor dispose of special incinerator ash but are involved in the reuse or utilization of special incinerator ash.

(b) These standards do not apply to the following wastes and waste processes:

(i) Ferrous metal separation from ash;

(ii) Special incinerator ash that is reinjected into the incinerator or energy-recovery facility from which it was produced;

(iii) Reclamation of nonferrous metals.

(2) Standards.

(a) Accumulation prior to reuse or utilization.

(i) All ash for reuse or utilization shall be stored in totally enclosed buildings.

(ii) Floor or surface drains serving storage areas shall not be connected to uncontaminated storm water run-off drains. Contaminated water shall be processed according to WAC 173-306-200 (3)(c)(ii).

(iii) All ash not reused or utilized within one calendar year of generation shall be subject to:

(A) The management plan requirements of WAC 173-306-200 if a generator is accumulating the ash; or

(B) The permitting and facility standard requirements of WAC 173-306-300 and 173-306-400, if a disposal facility is accumulating the ash.

(b) Reuse constituting disposal. Reuse constituting disposal is applying ash to the land or placing ash on the land in a manner constituting disposal, or applying ash contained in a product to the land or placing ash products on the land in a manner constituting disposal. Placement on the land includes placement in water (such as in reef construction).

(i) Persons wishing to reuse or utilize ash in a manner constituting disposal shall apply for a permit under WAC 173-306-310.

(ii) Persons reusing or utilizing ash in a manner constituting disposal are subject to the following sections of the general facility standards:

- (A) WAC 173-306-405(2);
- (B) WAC 173-306-405(3)(b);
- (C) WAC 173-306-405(5)(a), (b), (c), and (f); and
- (D) WAC 173-306-405(7).

(iii) The department will base its decision on whether to issue a permit upon the following factors:

- (A) The effectiveness of the reused ash or ash product for the claimed use;
- (B) The degree to which the reused ash is like an analogous product;
- (C) The extent to which the reused ash or ash product minimizes loss or escape to the environment;
- (D) The extent to which the reused ash or ash product impacts public health, the environment and employee health given a reasonable worst case exposure, risk assessment analyses and compliance with the performance standards of WAC 173-306-440(2);
- (E) The extent to which an end market for the reused ash and ash product is guaranteed;
- (F) The time period between generating the ash and reuse or utilization;
- (G) The degree to which the end uses (and users) can be tracked and recorded; and
- (H) Other factors as appropriate.

(iv) The department may require that applicants apply for a demonstration permit or class use permit under WAC 173-306-320, if available information exists to satisfy the informational requirements of (b)(ii) and (iii) of this subsection.

(c) Reuse or utilization as ingredients in industrial products, or as effective substitutes. The reuse or utilization of ash in industrial products or as effective substitutes for commercial products are activities that ordinarily are not considered to be waste management because they are like normal production processes and/or the products are used like commercial products. (The use of ash as a substitute in cement construction blocks is an example.)

(i) The department may grant requests for classifying such reuse or utilization for solely commercial purposes, if:

(A) The applicant shows that the ash or ash products are recycled in a manner such that they closely resemble products or raw materials rather than waste; and

(B) The applicant addresses the factors of (b)(iii) of this subsection (except for (3)(b)(iii)(G)).

(ii) Public review of the decision to grant or deny such request shall be according to WAC 173-306-900(4), (5), and (6).

NEW SECTION

WAC 173-306-495 OTHER METHODS OF ASH DISPOSAL.

(1) Applicability. This section applies to other methods of ash disposal not specifically identified elsewhere in this chapter, nor excluded from this chapter.

(2) Requirements. Owners and operators of other methods of ash disposal shall:

(a) Comply with the requirements in WAC 173-306-405;

(b) Obtain a permit under WAC 173-306-300 from the department, by submitting an application containing information required in WAC 173-306-330, and such other information as may be required by the department including:

- (i) Preliminary engineering reports and plans and specifications; and
- (ii) A closure plan.

NEW SECTION

WAC 173-306-500 MONITORING AND SAMPLING METHODS.

(1) Applicability. These requirements apply to owners and operators of incinerators, energy recovery facilities, disposal facilities, and management facilities that are required to perform ash sampling, analyses and testing, ground water and air quality monitoring under this chapter.

(2) Ground water monitoring requirements.

(a) The ground water monitoring system:

(i) Must consist of at least one background or up-gradient well and three down-gradient wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer and all hydraulically connected aquifers below the active portion of the facility.

(ii) Must represent the quality of background water that has not been affected by leakage from the active area; and

(iii) Must represent the quality of ground water passing the point of compliance. Additional wells may be required by the department in complicated hydrogeological settings or to define the extent of contamination detected.

(b) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and waterbearing strata. Construction shall be in accordance with chapter 173-160 WAC, minimum standards for construction and maintenance of water wells.

(c) The ground water monitoring program shall include, at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance;

(v) Chain of custody control; and

(vi) Procedures to ensure employee health and safety during well installation and monitoring.

(d) Sample constituents.

(i) All facilities shall test for the following parameters:

(A) Temperature;

(B) Conductivity;

(C) pH;

(D) Chloride;

(E) Nitrate, nitrite, and ammonia as nitrogen;

(F) Sulfate;

(G) Dissolved iron, cadmium, lead, and mercury;

(H) Dissolved zinc and manganese;

(I) Chemical oxygen demand;

(J) Total organic carbon;

(K) Calcium and sodium; and

(L) Gamma radiation.

(ii) The department may specify additional or fewer constituents depending upon the leachate analyses, the composition of the ash, and other information.

(iii) Test methods used to detect the parameters of (d)(i) of this subsection shall be EPA Publication Number SW-846, "Test Methods for Evaluating Solid Waste Physical/Chemical Methods."

(e) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(f) The owner or operator shall use a department-approved statistical procedure for determining whether a significant change over background has occurred.

(g) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least quarterly from start-up through the post-closure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(h) The owner or operator must determine and report the ground water flow rate and direction in the uppermost aquifer at least annually.

(i) If the owner or operator determines that there is a statistically significant increase for parameters or constituents at any monitoring well at the compliance point, the owner or operator must:

(i) Notify the department of this finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately resample the ground water in all monitoring wells and determine the concentration of all constituents listed in the definition of contamination in WAC 173-306-100 including additional constituents identified in the permit and whether there is a statistically significant increase such that the ground water performance standard has been exceeded. The department shall be notified within fourteen days of receipt of the sampling data.

(j) The department may require modifications to the disposal facility, the plan of operation or the permit including facility closure if the performance standard of WAC 173-306-440(2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-306-310.

(3) Modifications. An owner or operator required to modify the facility or plan of operation under this section must, at a minimum and with the approval of the department:

(a) Implement modifications that reduce contamination and, if possible, prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place or other remedial measures; and

(b) Begin modifications according to a written schedule after the ground water performance standard is exceeded.

(4) Ash and soil sampling, and analysis.

(a) Ash residue samples taken for the purpose of determining their designation status as a special incinerator ash waste shall follow guidance and/or guidelines established by the department. Ash samples taken for the purpose of determining total volatile and fixed carbon residue and for determining dioxins and dibenzofuran content, if different from samples taken for designation status under chapter 173-303 WAC, shall also follow guidance and/or guidelines established by the department. Representative sampling as developed by guidelines of the department shall be employed.

(b) Ash samples shall be analyzed as follows:

(i) For designation purposes, as a special incinerator ash waste, the samples shall be analyzed according to:

(A) "Chemical testing methods for complying with the state of Washington dangerous waste regulation," WDOE 83-13;

(B) "Biological testing methods," WDOE 80-12;

(C) "Test methods for evaluating solid waste, physical/chemical methods," SW 846.

(ii) For chlorinated-p-dioxins and dibenzofurans, 40 CFR Part 261 Appendix X is adopted by reference.

(iii) For cadmium in soil, method 7130 or 7131 cited in test methods for evaluating solid waste, physical/chemical methods, SW 846.

(5) Ambient air quality sampling for lead. Ambient lead concentrations shall be according to 40 CFR Part 50 Appendix G, which is adopted by reference, except that the sampling frequency will be determined by the department.

NEW SECTION

WAC 173-306-900 VARIANCES. (1) Any person applying for an ash disposal permit or who owns or operates an ash generation or disposal facility may apply to the department for a variance from any section of this chapter. The application shall be accompanied by such information as the department may require.

(2) The applicant shall provide usual and reasonable public notification within the area that will be impacted, including publication in the area's major general circulation newspaper and mailing notices to surrounding property owners. Proof of compliance shall be submitted with the variance application.

(3) The department shall give public notice of an application and allow a thirty-day public comment period. Notice shall be mailed to persons who have written to the department asking to be notified of all variance requests and indicate that a public hearing may be requested.

(4) In considering a variance request, the department shall consider:

(a) The relative interests of the applicant, other property owners likely to be affected by the applicant's activity and the general public;

(b) If the ash handling practices or location protect public health, worker health, safety or the environment to a degree equal to or greater than the standard from which a variance is requested;

(c) Whether compliance with the regulation from which the variance is sought would produce hardship without equal or greater benefits to the public;

(d) Whether compliance with the regulation will require spreading of costs over a considerable time period; and

(e) If the timetable is for a period that is needed to comply with this chapter.

(5) The department shall approve or disapprove a variance request within ninety days of receipt unless the applicant and the department agree to a continuance.

(6) Any variance granted pursuant to this section may be renewed. Application for a variance renewal shall be made at least sixty days prior to the expiration of the variance and follow the application process of subsections (1) through (5) of this section.

NEW SECTION

WAC 173-306-9901 MAXIMUM CONTAMINANT LEVELS FOR GROUND WATER. Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, as the primary drinking water standards. Analytical methods for these contaminants may be found in the Code of Federal Regulations, 40 CFR Part 141. (These contaminant levels are to be considered interim levels for the

purpose of regulating disposal facilities and shall be used until such time as the department establishes ground water quality standards for all types of activities impacting ground water.)

WSR 89-19-070
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed September 20, 1989, 3:10 p.m.]

Original Notice.

Title of Rule: WAC 326-50-030 Business partnership program—Purchased goods and services—Purpose and intent; and WAC 326-50-050 Utilization of credits in business partnership account.

Purpose: This amendment adds architecture, engineering, as well as other consultants to the types of contracts for which business partnerships may be formed. By this rule change, OMWBE seeks to encourage cooperation between MWBE and non-MWBE businesses, to the economic benefit of both parties.

Statutory Authority for Adoption: RCW39.19.030(7).

Statute Being Implemented: RCW 39.19.010 and [39.19].030 (1)(2)(3).

Summary: The business partnership program previously covered purchased goods and services only. With the proposed changes, MWBE and non-MWBE firms can enter into partnerships for contracts involving engineering, architecture, and various types of consulting work.

Reasons Supporting Proposal: To further enhance the opportunities for MWBE firms to work with non-MWBE firms in the development of both businesses.

Name of Agency Personnel Responsible for Drafting: Theresa Fricke, AAG, 7th Floor, Highways-Licenses Building, 586-3756; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9693.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment adds three new categories of contracts to the business partnership program: Architecture, engineering, and other consultants. It is intended to help match MWBE firms with non-MWBE firms so that participation of women and minorities in state contracting will be encouraged. Anticipated effect is to encourage greater involvement of women and minority-owned businesses in the economic mainstream.

Proposal Changes the Following Existing Rules: This amendment adds three new categories of contracts to the business partnership program: Architecture, engineering, and other consultants.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: City of Yakima Council Chambers, 129 North Second, Yakima, WA 98901, on October 24, 1989, at 7:00 p.m.; and at City of Spokane Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99202, on October 25, 1989, at 7:00 p.m.; and at

Franklin County PUD, 1411 West Clark, Pasco, WA 99301, on October 26, 1989, at 7:00 p.m.; and at City of Vancouver Council Chambers, 210 East 13th Street, 13th and Broadway, Vancouver, WA 98668, on November 2, 1989, at 7:00 p.m.; and at Skagit County Administration Building, First Floor, Hearing Room C, 2nd and Kincaid, Mount Vernon, WA 98273, on November 9, 1989, at 7:00 p.m.; and at House of Representatives, Hearing Room A, John O'Brien Building, 504 15th Avenue, Olympia, WA 98504, on November 14, 1989, at 7:00 p.m.; and at Gatzert Elementary School, 1301 East Yesler Way, Seattle, WA 98122, on November 15, 1989, at 7:00 p.m.; and at Tacoma Municipal Building, City Council Chambers, 747 Market Street, Tacoma, WA 98402, on November 16, 1989, at 7:00 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-4611, by November 21, 1989.

Date of Intended Adoption: December 1, 1989.

September 20, 1989

James A. Medina

Director

AMENDATORY SECTION (Amending Order 85-10, filed 11/25/89 [11/25/85])

WAC 326-50-030 BUSINESS PARTNERSHIP PROGRAM—PURCHASED GOODS AND SERVICES, ARCHITECTURE, ENGINEERING AND OTHER CONSULTANTS—PURPOSE AND INTENT. (1) Purpose and intent. The primary purpose of this Participation Program I, hereinafter referred to as the business partnership program, is to increase opportunities for certified MWBEs to provide purchased goods and services, and architecture, engineering and other consultant services to state agencies and educational institutions. This program is designed to increase the number of MWBEs participating in state contracts, and to enhance the economic viability of certified businesses, by providing incentives to non-MWBE firms, both large and small, to develop ongoing business relationships with OMWBE certified firms.

(a) The business partnership program will be in effect as of March 1, 1986. This program is a prototype program, and will be periodically evaluated by OMWBE. After the program has been in effect for 12 months, OMWBE will evaluate the program to determine whether it is fulfilling the purposes for which it was designed.

(2) The program is designed to address several specific needs of minority and women firms by (a) increasing opportunities for ~~((vendring))~~ providing purchased goods and ~~((providing))~~ services, and architecture, engineering and other consultant services, and (b) providing short-term and limited financial assistance, technical assistance, and networking.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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 85-10, filed 11/25/89 [11/25/85])

WAC 326-50-050 UTILIZATION OF CREDITS IN BUSINESS PARTNERSHIP ACCOUNT. (1) The credit's in a non-MWBE firm's business partnership account may be applied ~~((onty))~~ to goods and services, architecture, engineering and other consultant services contracts or requests for proposals. The credits cannot apply to MWBE requirements set on construction~~((;))~~ or public works~~((; or personal services))~~ contracts.

(2) Only the value of those transactions requested and approved may be applied against MWBE requirements set by state agencies or educational institutions in meeting contract specifications.

(3) When the non-MWBE firm bids on a state contract, it may utilize the credit it has established with OMWBE by applying the credit against the MWBE participation requirements set on contracts or requests for proposals for purchase of goods and services, architecture, engineering and other consultant services.

(4) The state agency or educational institution shall give the non-MWBE firm equal consideration as other vendors utilizing certified MWBE vendors in evaluating the bids or requests for proposal. The state agency or educational institution may count the credit toward its annual overall goals.

(5) The credit obtained by an agreement of intent shall only be used once. Additional credits may be obtained by filing additional agreements of intent with OMWBE.

(6) If credits on file with OMWBE are invoked by the non-MWBE firm on more than one outstanding bid or proposal, the credits shall be utilized on the first contract awarded.

(7) The state agency letting a contract shall contact the OMWBE to verify the existence of credits on file at the time an apparent low bidder using business partnership credits to meet the MWBE requirements of the contract is identified. The state agency letting the contract shall notify the OMWBE of the award of the contract, and the number of credits utilized by the non-MWBE firm to meet the MWBE requirements of the contract.

(8) If credits are used on one contract (first awarded), the non-MWBE firm, if the apparent low bidder, may be allowed a period of up to 24 working hours to secure new or additional MBE or WBE subcontractors. If written proof of subcontractors with new or additional MBE or WBE firms is not provided to the agency within that time, agency may award contract pursuant to WAC 326-40-020.

(9) The business partnership credits will remain in the account established for the non-MWBE firm for one year after the credits are accrued, or for one year from the time the contract in the agreement of intent is completed, as stipulated in the agreement of intent. All unused credit will be voided six months after the effective date, in the event the business partnership program is discontinued.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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 89-19-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed September 20, 1989, 3:26 p.m.]

Original Notice.

Title of Rule: Residential care unit, amending WAC 248-14-120.

Purpose: To allow for new types of immersible bathing devices.

Statutory Authority for Adoption: RCW 74.42.620 and 18.51.070.

Statute Being Implemented: RCW 74.42.620 and 18.51.070.

Summary: Permits new types of bathing equipment.

Reasons Supporting Proposal: This rule amendment is necessary to specify these allowances.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Lux, Aging and Adult Services, 586-4743.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-120 RESIDENTIAL CARE UNIT. (1) Location. Each residential care unit shall be located to minimize through traffic to any general service, diagnostic, treatment, or administrative area. All rooms or areas within the unit shall be on the same floor level.

(2) Required facilities.

(a) Each unit shall have at least the following basic service facilities:

(i) A nurses' station(;;);

(ii) A medicine storage and preparation area(;;);

(iii) Clean and soiled utility rooms(;;);

(iv) Housekeeping facilities; and

(v) Storage space for linen, other supplies, and equipment.

(b) Resident rooms in buildings which are connected to the main nursing home building by means of enclosed and heated passageways will be construed as portions of the main home.

(3) Resident rooms.

(a) The floor level shall be above grade level except for earth berms.

(b) Each resident room shall be directly accessible from the corridor and shall be located to prevent through traffic.

(c) Every resident room shall be an outside room and shall have a clear glass window which is located in an outside wall and has an area equal to not less than one-tenth of the usable floor space.

(i) All resident room windows shall be located (~~at least 24~~) twenty-four feet or more from another building or the opposite wall of a court or (~~at least~~) ten feet or more away from a property line, except on street sides. If the depth of a court is less than one-half its width, the width requirement will not apply. The outside window wall shall be (~~at least~~) eight feet or more from an outside public walkway.

(ii) Window sills shall be three feet or less above the floor.

(d) The maximum capacity of any resident bedroom shall be (~~not more than~~) four beds.

(e) No bed shall be located more than two beds deep from an exterior window wall.

(f) On each unit there shall be at least one single uncarpeted bedroom capable of providing isolation care. It shall contain:

(i) A lavatory with water supplied through a mixing valve(;;); and

(ii) Its own adjoining toilet room equipped with a bedpan flushing attachment and containing a bathing facility.

(g) There shall be (~~at least~~) eighty-five square feet or more of usable floor space per bed in each multibed room and (~~at least~~) one hundred square feet or more of usable floor space for each one bed room.

(h) The dimensions and arrangements of rooms shall provide (~~at least~~) three feet or more of space between the sides and foot of the bed and any wall, other fixed obstruction, or other bed.

(4) Resident room equipment.

(a) There shall be a wall-mounted or equivalent reading light and a nurse call signal device for each bed.

(b) There shall be a lavatory in each multibed room. There shall be a lavatory in each single room which does not have an adjoining toilet room containing a lavatory.

(c) There shall be a separate, enclosed wardrobe or closet for each bed in each room. The inside dimensions shall be (~~at least~~) twenty-two inches or more deep (front to back) by thirty inches wide. The clothes rod shall be placed to provide (~~at least~~) five feet (~~and~~) or

more but not more than five feet six inches of free hanging space from the center of the clothes rod to the floor of the room.

(d) There shall be a lockable shelf space or drawer for storage of other personal belongings for each resident bed in addition to the bedside cabinet.

(e) There shall be separate storage for extra pillows and blankets for each bed. This may be combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

(f) Each multibed room shall have permanently installed cubicle curtain tracks or rods around each bed with flame-proof curtains approved by the state fire marshal.

(g) For electrical outlet and lighting requirements refer to electrical section, WAC 248-14-160.

(5) Resident toilet(s).

(a) There shall be a toilet room directly accessible from each resident room and from each bathing facility without going through a general corridor. One toilet room may serve two bedrooms except for those resident rooms for which private toilet rooms are required. One toilet shall serve a maximum of four beds. For alterations of existing resident rooms the ratio of one toilet fixture for each eight residents or fraction thereof is acceptable.

(b) Each toilet fixture in toilet rooms adjoining resident rooms shall be equipped with a bedpan flushing attachment unless a siphon jet clinic service sink is provided in each soiled utility room.

(c) There shall be provision for storage of a bedpan brush container off the floor in each toilet room equipped with a bedpan flushing attachment.

(d) At least one lavatory shall be provided in each toilet room, except when it opens into a single bed room which has a lavatory.

(e) Each resident toilet room shall be designed to accommodate a person in a wheelchair.

(f) A properly located and securely mounted grab bar or its equivalent shall be provided at each side of a toilet fixture.

(6) Resident bathing facilities.

(a) On each unit there shall be at least one bathtub or shower facility per every fifteen beds or fraction thereof which are not in rooms served by an adjoining bathroom.

(b) On each unit there shall be (~~at least one peninsular or island bathtub accessible from the corridor~~) a bathing device designed for patient bathing by immersion, accessible from the corridor.

(c) There shall be at least one roll-in shower accessible from the corridor on each unit. It shall be designed:

(i) For ease of shower chair entry(;;);

(ii) With bulkheads which are a maximum of thirty-four inches high and provide for toe space(;;);

(iii) With a properly sloped and drained floor to prevent the flow of water outside the stall, but provide for safe use of a shower chair within the stall(;;); and

(iv) With the water inlet approximately four and one-half feet from floor level and with a flexible hose approximately five feet long with a lightweight, shampoo-type, spray attachment.

(d) In each bathroom containing more than one bathing facility each bathtub or shower shall be in a separate room or compartment. The area for each bathtub and shower shall be sufficient to accommodate a shower chair and attendant(s) and provide for visual privacy.

(e) Grab bars(;;);

(i) One horizontal grab bar (~~a minimum of 48~~) forty-eight or more inches long shall be provided at the side of a standard bathtub and an L-shaped bar at the faucet end. The horizontal side of the L-shaped bar shall extend the width of the tub and the vertical bar shall rise thirty inches at the outer side of the tub.

(ii) At the faucet end of each peninsular bathtub there shall be at least one horizontal grab bar mounted from (~~33~~) thirty-three to (~~36~~) thirty-six inches above the floor and extended the full width of the bathtub. It shall be (~~at least~~) ten inches or more from the wall at the faucet end.

(iii) A horizontal grab bar shall be provided on two sides of each shower stall and an L-shaped bar mounted on the shower head side. The horizontal bars shall be mounted (~~37~~) thirty-one inches to (~~36~~) thirty-six inches above the floor.

(f) Shower and tub bottom surfaces shall be slip-resistant.

(7) Nurses' station. On each residential care unit there shall be a nurses' station (~~which shall have~~) equipped with:

(a) A charting surface;

(b) Sufficient seating area;

(c) A rack or other storage for current health records;

(d) Storage for record and clerical supplies;

- (e) A telephone;
- (f) A nurse call annunciator; and
- (g) A clock.

(8) Utility service rooms. On each unit there shall be a clean utility room and a soiled utility room designed and equipped to ensure separation of clean and sterile supplies and equipment from those ~~((that are))~~ contaminated.

(a) Each clean utility room shall have a work counter, a sink, and closed storage units for clean and sterile supplies and small equipment.

(b) Each soiled utility room shall have:

(i) At the minimum a two-compartment sink mounted in a work counter of ~~((at least))~~ three feet or more in length on each side of the sink ~~((:))~~ and the inside dimensions of each compartment shall be twenty-two by twenty-two by twenty inches deep;

(ii) Storage for cleaning supplies and other items;

(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(iv) Adequate space for waste containers, linen hampers, and other large equipment;

(v) The work counters, sinks, and other fixed equipment shall be arranged to prevent intermingling of clean and contaminated items during processing; and

(vi) A siphon jet type clinic service sink or equivalent equipped with bedpan flushing attachment shall be provided unless a bedpan flushing device is provided in toilet rooms adjoining resident rooms.

(9) Drug facilities. There shall be facilities for drug preparation and locked storage near the nurses' station on each unit.

(a) The drug facilities shall be well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.

(b) Locks and keys for drug facilities shall be different from any other locks and keys within the nursing home.

(i) Separately keyed storage shall be provided for Schedule II and III controlled substances.

(ii) Segregated storage of different residents' drugs shall be provided.

(c) There shall be a refrigerator for storage of thermolabile drugs in the drug facility.

(10) Linen storage.

(a) A clean room shall be provided for storage of clean linen and other bedding on each unit. This may be an area within the clean utility room.

(b) There shall be a soiled linen room for collection and temporary storage of soiled linen on each unit. This may be in an area of the soiled utility room.

(11) Equipment storage. There shall be ~~((at least))~~ two square feet or more of storage space per bed for wheelchair and other ambulation equipment. Storage may be combined with an equipment storage room or be in a corridor alcove but shall not impinge upon the required corridor space. If the square footage is added to the resident room size, individual wheelchair(s) and other ambulation equipment may be stored in the room.

(12) Janitors' closet. A janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies shall be provided on each unit.

activities based on all evidence in the file. Evidence can be provided by any party including Office of Support Enforcement (OSE), prosecuting attorney's office, or the client.

Statutory Authority for Adoption: RCW 74.08.090 and 74.22.110.

Statute Being Implemented: RCW 74.08.090 and 74.22.110.

Summary: Staff in the community services offices (CSOs) are responsible for determining a client's eligibility status. For aid to families with dependent children (AFDC), clients must cooperate with support enforcement activities. Finding a client in a cooperative status does not require written approval by OSE. When determining a client's cooperative status CSOs shall review all available evidence.

Reasons Supporting Proposal: This rule is necessary to comply with the stipulated agreement in the *DeArmond v. Sugarman* court order.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rita Jefferson, Income Assistance, 753-0471.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of state court decision, in the United States District Court for the Western District of Washington at Tacoma, C88-608T, *DeArmond v. Sugarman*.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989

Leslie F. James, Director
Administrative Services

WSR 89-19-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1989, 3:27 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-24-109 Eligibility conditions applicable to AFDC—Support enforcement cooperation; and WAC 388-33-453 Protective payment—Failure or refusal to cooperate with support enforcement.

Purpose: To clarify that the community services staff determine client cooperation with support enforcement

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—~~((COOPERATION IN OBTAINING))~~ SUPPORT ~~((FROM ABSENT PARENTS))~~ ENFORCEMENT COOPERATION. (1) As a condition of eligibility, the department shall require each applicant for or recipient of AFDC ((shall be required)) to cooperate as specified in WAC 388-14-200 ((except)) unless the department has established good cause as specified in WAC 388-24-111.

(2) Department IV-A staff shall base the determination of client cooperation on all evidence in its possession.

AMENDATORY SECTION (Amending Order 2166, filed 10/31/84)

WAC 388-33-453 PROTECTIVE PAYMENT—FAILURE OR REFUSAL TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) If ~~((the parent or other caretaker relative fails or refuses to cooperate with the office of support enforcement or other agencies))~~ department IV-A staff determine an AFDC applicant or recipient has not cooperated in obtaining support ((payments)) as ((stipulated)) required in WAC 388-24-108 and 388-24-109, the department IV-A

staff shall authorize assistance to the other eligible assistance unit members:

(a) ~~((Assistance to meet the requirements of other eligible members of the assistance unit will be provided in the form of))~~ Through protective payments; ~~((except))~~ or

(b) Directly to the sanctioned individual, if the department, after making reasonable efforts, is unable to locate an appropriate protective payee ~~((-assistance may be paid directly to the sanctioned individual))~~.

(2) ~~((The))~~ Department IV-A staff shall:

(a) Notify the relative payee in writing of the establishment of a protective payment as described in WAC 388-33-444~~((:))~~;

~~((3))~~ (b) ~~((The selection of))~~ Select a protective payee ~~((shall be made))~~ in accordance with WAC 388-33-440 (3)(a), (b), and (c)~~((:))~~;

~~((4))~~ (c) ~~((The manner in which the protective payee performs will be reviewed))~~ Review at least every three months the manner in which the protective payee performs; and

(d) Review the caretaker relative's circumstances ~~((will be reviewed))~~ as frequently as ~~((indicated:))~~ circumstances require, but at least every six months;

~~((5))~~ (e) ~~((Payment to the relative payee shall not be resumed without written approval by the office of support enforcement stating that the individual is cooperating in obtaining support))~~ Notify the department IV-D staff of the client's change in cooperation status.

~~((6))~~ (3) The rules in this section as to the person selected as protective payee and manner of disbursements are not subject to a fair hearing.

WSR 89-19-073

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed September 20, 1989, 3:28 p.m.]

Original Notice.

Title of Rule: Income—Foster homes for children and adult family homes, amending WAC 388-28-532.

Purpose: This rule clarifies how to treat clients' income received from foster care or an adult family home.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: When a public assistance client operates a foster home, foster care payments are exempt to the AFDC family. If the payment is for retainer fees, that payment is earned income. When a public assistance client operates an adult family home, the payment is considered self-employment income.

Reasons Supporting Proposal: This rule is necessary to bring state law into compliance with federal clarifications.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana Beck, Income Assistance, 753-4908.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 786, filed 4/12/73)

WAC 388-28-532 ~~((NET CASH))~~ INCOME—FOSTER HOMES FOR CHILDREN AND ADULT FAMILY HOMES. ~~((When payment is received by a recipient of or an applicant for public assistance who is operating a foster home for children or a family home for adults, that portion of payment made for such care which is in excess of the department's approved rate for such care shall be considered as net income available to the operator))~~ (1) Foster home for children. When a public assistance client operates a foster home for children, the department shall:

(a) Disregard as income a foster care payment made for the care of a child;

(b) Regard as earned income retainer fees received to reserve beds for foster children.

(2) Adult family homes. When a public assistance client operates an adult family home, the department shall regard the adult family home payment as self-employment income.

WSR 89-19-074

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed September 20, 1989, 3:29 p.m.]

Original Notice.

Title of Rule: Monthly allotments, amending WAC 388-49-550.

Purpose: To update the thrifty food plan standards effective October 1, 1989.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Food stamp allotments are increased effective October 1, 1989. An editorial change is made to subsection (4).

Reasons Supporting Proposal: This rule is necessary to implement notification from the food and nutrition service of the annual update to the thrifty food plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall Francom, Income Assistance, 753-4918.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2760, filed 2/13/89)

WAC 388-49-550 MONTHLY ALLOTMENTS. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

Household Size	Thrifty Food Plan
1	((90)) 99
2	((165)) 182
3	((236)) 260
4	((300)) 331
5	((356)) 393
6	((427)) 472
7	((472)) 521
8	((540)) 596
9	((608)) 671
10	((676)) 746
Each additional member	+((68)) 75

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The allotment shall be based upon a thirty-day month.

(b) No allotment shall be issued for less than ten dollars.

(4) ((Effective September 1, 1988,)) The department shall issue a full month allotment to migrant and seasonal farmworker households applying within thirty days after a prior certification ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent(%)

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents(¢); and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when no allotment shall be issued for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

WSR 89-19-075
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1989, 3:41 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-49-690 Fair hearings; and WAC 388-49-700 Fair hearings—Continuation of benefits pending.

Purpose: Comply with the Administrative Procedure Act of 1989 (APA) and Code of Federal Regulations (CFR).

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Eliminate reference to chapter 10-08 WAC as an adjudicative proceeding rule. Provide advance notice of hearing at least 10 days rather than 20 days. Require the department to withdraw a fair hearing request when the client so requests in writing. Change a condition for terminating or reducing continued benefits.

Reasons Supporting Proposal: This rule is necessary to amend the rules to implement provisions of the APA concerning adjudicative proceedings, advance notice of hearings. Comply with the CFR regarding a client request to withdraw a fair hearing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, 753-1354.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-690 FAIR HEARINGS. Fair hearings in the food stamp program are governed by this section and chapter((s 10-08 and)) 388-08 WAC ((and WAC 388-49-690)). If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section shall govern.

(1) At application and any time a household disagrees with a department decision, the department shall inform the household, in writing, of the:

- Right to a hearing,
- Method to request a hearing,
- Right to have a household member present their case, and
- Availability of free legal representation.

(2) The household has the right to a fair hearing on:

(a) An action by the department or loss of benefits occurring in the prior ninety days;

(b) A denial of a request for restoration of any benefits lost more than ninety days, but less than a year ((prior to)) before the request; or

(c) Any dispute of current benefit level at any time within a certification period.

(3) The department shall grant an alien's sponsor household the right to a fair hearing to contest:

(a) A determination that the sponsor was at fault for providing incorrect information(;;); or

(b) The overissuance amount.

(4) A request for a hearing is any oral or written request by a household or its representative. The person must request a hearing within ninety days of the household's receipt of the decision being appealed.

(5) The department shall ~~((schedule and))~~ provide advance notice of the hearing to all involved parties at least ~~((twenty))~~ ten days ~~((prior to))~~ before the hearing.

(6) Before and during the hearing, a household or its representative with written authorization may inspect the department's files containing information related to the issue in the hearing request.

(7) The department shall not release confidential information including:

(a) Name of persons providing information about the household without its knowledge~~((:));~~ and

(b) Nature and status of pending criminal prosecutions.

(8) The department shall:

(a) Assist the household in preparing the hearing request;

(b) Advise the household of its right to reapply for benefits pending the hearing;

(c) Upon request, provide bilingual interpreters; and

(d) Upon request, provide the household or its representative:

(i) ~~((Any))~~ Material needed to determine if a hearing should be requested or to prepare for a hearing~~((:));~~

(ii) Free copies of pertinent material from the case record~~((:));~~ and

(iii) ~~((Any))~~ Information of legal services available to the client.

(9) The department shall ~~((conduct a hearing:))~~

~~((a) In the household's county of residence unless the household asks for or agrees to a hearing in another, or~~

~~((b) By telephone with the household in their county of residence))~~ withdraw a fair hearing request when the client so requests in writing.

~~((10) ((The decision-rendering rule is as described in WAC 388-08-409 and 388-08-413, except the period to file a timely petition for review is ten days from the date the initial decision is mailed)) The administrative law judge or department shall not dismiss or withdraw a fair hearing request because a client fails to attend a prehearing or agency conference.~~

(11) The department shall make a final decision within sixty days of the receipt of the hearing request. The department shall:

(a) Extend the time by the number of days a hearing is continued based on a request by or with the agreement of the household~~((:));~~ and

(b) Expedite hearing requests from households planning to move from the state before the hearing decision ~~((would))~~ is normally ~~((be))~~ made.

(12) The department shall carry out the hearing decision to:

(a) Provide lost benefits when:

(i) The household ~~((was))~~ is incorrectly denied benefits, or

(ii) Fewer benefits ~~((were))~~ are issued than ~~((were))~~ are due.

(b) Increase benefits within ten days of the receipt of the decision~~((:));~~

(c) Decrease benefits in the first scheduled issuance following the receipt of the decision~~((:));~~ and

(d) Establish a claim for ~~((any))~~ an overissuance if the department~~(('s))~~ action ~~((was))~~ is correct.

(13) The department shall, upon written request made within one year of the hearing, provide the household a free copy of the tape recording of the hearing.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-700 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

(a) The client requests a hearing within the period specified by the notice of adverse action~~((:));~~

(b) The certification period ~~((has))~~ is not expired~~((:));~~

(c) The household ~~((has))~~ does not ~~((waived))~~ waive continuation of benefits~~((:));~~ and

(d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request ~~((was))~~ is for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits ~~((prior to))~~ before receipt of the hearing decision unless:

(a) The certification period expires~~((:));~~

(b) The ~~((hearing officer makes))~~ administrative law judge issues a preliminary determination, in writing ~~((and at the hearing)), stating:~~

(i) The sole issue is one of federal law or regulations~~((:));~~ and

(ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid~~((or))~~;

(c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision~~((or))~~;

(d) A mass change occurs while the hearing decision is pending~~((and))~~;

(e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the request for continued benefits is received.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period,

(b) When a monthly report is received, or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

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

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

WSR 89-19-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1989, 3:42 p.m.]

Original Notice.

Title of Rule: New WAC 388-73-143 HIV/AIDS education and training.

Purpose: The purpose of this rule is to require individuals caring for children in licensed child care agencies to have education and training on the prevention, transmission and treatment of HIV and AIDS.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: In summary the rule requires that child care providers complete training and education on the prevention, transmission and treatment of HIV/AIDS consistent with RCW 70.24.310; and use infection control standards on materials consistent with the curriculum published by the office on HIV/AIDS.

Reasons Supporting Proposal: This rule is necessary to assure that licensed child care providers and their employers have the requisite training.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Children and Family Services, 753-0204.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 24, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health

Services, Mailstop OB-33H, Olympia, Washington 98504, by October 24, 1989.

Date of Intended Adoption: November 1, 1989.

September 20, 1989

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-73-143 HIV/AIDS EDUCATION AND TRAINING. Licensed child care agencies shall:

(1) Provide or arrange for appropriate education and training of employees on the prevention, transmission, and treatment of HIV and AIDS as prescribed by the department of social and health services. Such education and training shall consider infection control standards and materials available from appropriate professional associations and professional prepared publications. For foster family homes, family day care homes, and mini-day care centers, the primary caregiver shall complete this education and training.

(2) Use infection control standards and educational material consistent with educational material approved by the state office on HIV/AIDS.

WSR 89-19-077
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2871—Filed September 20, 1989, 3:43 p.m.]

Date of Adoption: September 20, 1989.

Purpose: Comply with the Administrative Procedure Act of 1989 (APA) and Code of Federal Regulations (CFR).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-690 and 388-49-700.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to amend the rules to implement provisions of the APA concerning adjudicative proceedings, advance notice of hearings. Comply with the CFR regarding a client request to withdraw a fair hearing.

Effective Date of Rule: September 21, 1989, 12:01 a.m.

September 20, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-690 FAIR HEARINGS. Fair hearings in the food stamp program are governed by this section and chapter((s-10-08 and)) 388-08 WAC ((and WAC 388-49-690)). If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section shall govern.

(1) At application and any time a household disagrees with a department decision, the department shall inform the household, in writing, of the:

(a) Right to a hearing,

(b) Method to request a hearing,

(c) Right to have a household member present their case, and

(d) Availability of free legal representation.

(2) The household has the right to a fair hearing on:

(a) An action by the department or loss of benefits occurring in the prior ninety days,

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

(c) Any dispute of current benefit level at any time within a certification period.

(3) The department shall grant an alien's sponsor household the right to a fair hearing to contest:

(a) A determination that the sponsor was at fault for providing incorrect information~~((:));~~ or

(b) The overissuance amount.

(4) A request for a hearing is any oral or written request by a household or its representative. The person must request a hearing within ninety days of the household's receipt of the decision being appealed.

(5) The department shall ~~((schedule and))~~ provide advance notice of the hearing to all involved parties at least ~~((twenty))~~ ten days ~~((prior to))~~ before the hearing.

(6) Before and during the hearing, a household or its representative with written authorization may inspect the department's files containing information related to the issue in the hearing request.

(7) The department shall not release confidential information including:

(a) Name of persons providing information about the household without its knowledge~~((:));~~ and

(b) Nature and status of pending criminal prosecutions.

(8) The department shall:

(a) Assist the household in preparing the hearing request;

(b) Advise the household of its right to reapply for benefits pending the hearing;

(c) Upon request, provide bilingual interpreters; and

(d) Upon request, provide the household or its representative:

(i) ~~((Any))~~ Material needed to determine if a hearing should be requested or to prepare for a hearing~~((:));~~

(ii) Free copies of pertinent material from the case record~~((:));~~ and

(iii) ~~((Any))~~ Information of legal services available to the client.

(9) The department shall ~~((conduct a hearing:~~

~~(a) In the household's county of residence unless the household asks for or agrees to a hearing in another, or~~

~~(b) By telephone with the household in their county of residence))~~ withdraw a fair hearing request when the client so requests in writing.

(10) ~~((The decision-rendering rule is as described in WAC 388-08-409 and 388-08-413, except the period to file a timely petition for review is ten days from the date the initial decision is mailed))~~ The administrative

law judge or department shall not dismiss or withdraw a fair hearing request because a client fails to attend a prehearing or agency conference.

(11) The department shall make a final decision within sixty days of the receipt of the hearing request. The department shall:

(a) Extend the time by the number of days a hearing is continued based on a request by or with the agreement of the household~~(;)~~; and

(b) Expedite hearing requests from households planning to move from the state before the hearing decision ~~((would))~~ is normally ~~((be))~~ made.

(12) The department shall carry out the hearing decision to:

(a) Provide lost benefits when:

(i) The household ~~((was))~~ is incorrectly denied benefits, or

(ii) Fewer benefits ~~((were))~~ are issued than ~~((were))~~ are due.

(b) Increase benefits within ten days of the receipt of the decision~~(;)~~;

(c) Decrease benefits in the first scheduled issuance following the receipt of the decision~~(;)~~; and

(d) Establish a claim for ~~((any))~~ an overissuance if the department~~((s))~~ action ~~((was))~~ is correct.

(13) The department shall, upon written request made within one year of the hearing, provide the household a free copy of the tape recording of the hearing.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-700 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

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

(b) The certification period ~~((has))~~ is not expired~~(;)~~;

(c) The household ~~((has))~~ does not ~~((waived))~~ waive continuation of benefits~~(;)~~; and

(d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request ~~((was))~~ is for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits ~~((prior to))~~ before receipt of the hearing decision unless:

(a) The certification period expires~~(;)~~;

(b) The ~~((hearing officer makes))~~ administrative law judge issues a preliminary determination, in writing ~~((and at the hearing))~~, stating:

(i) The sole issue is one of federal law or regulations~~(;)~~; and

(ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid~~(;or)~~.

(c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision~~(;or)~~;

(d) A mass change occurs while the hearing decision is pending~~(;and)~~; or

(e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the request for continued benefits is received.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period,

(b) When a monthly report is received, or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

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

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

WSR 89-19-078
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2873—Filed September 20, 1989, 3:44 p.m.]

Date of Adoption: October [September] 20, 1989.

Purpose: To clarify that the community services staff determine client cooperation with support enforcement activities based on all evidence in the file. Evidence can be provided by any party including Office of Support Enforcement (OSE), prosecuting attorney's office, or the client.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-109 and 388-33-453.

Statutory Authority for Adoption: RCW 74.08.090 and 74.22.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rule amendments are necessary to comply with the stipulated agreement in the *DeArmond v. Sugarman* court order.

Effective Date of Rule: September 21, 1989, 12:01 a.m.

September 20, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—~~((COOPERATION IN~~

~~OBTAINING)) SUPPORT ((FROM ABSENT PAR-
ENTS)) ENFORCEMENT COOPERATION. (1) As
a condition of eligibility, the department shall require
each applicant for or recipient of AFDC ((shall be re-
quired)) to cooperate as specified in WAC 388-14-200
((except)) unless the department has established good
cause as specified in WAC 388-24-111.~~

~~(2) Department IV-A staff shall base the determina-
tion of client cooperation on all evidence in its
possession.~~

AMENDATORY SECTION (Amending Order 2166,
filed 10/31/84)

WAC 388-33-453 PROTECTIVE PAYMENT—
FAILURE OR REFUSAL TO COOPERATE WITH
SUPPORT ENFORCEMENT. (1) If ((the parent or
other caretaker relative fails or refuses to cooperate with
the office of support enforcement or other agencies)) de-
partment IV-A staff determine an AFDC applicant or
recipient has not cooperated in obtaining support ((pay-
ments)) as ((stipulated)) required in WAC 388-24-108
and 388-24-109, the department IV-A staff shall au-
thorize assistance to the other eligible assistance unit
members:

~~(a) ((Assistance to meet the requirements of other el-
igible members of the assistance unit will be provided in
the form of)) Through protective payments, ((except))
or~~

~~(b) Directly to the sanctioned individual, if the de-
partment, after making reasonable efforts, is unable to
locate an appropriate protective payee(, assistance may
be paid directly to the sanctioned individual)).~~

~~(2) ((The)) Department IV-A staff shall:~~

~~(a) Notify the relative payee in writing of the estab-
lishment of a protective payment as described in WAC
388-33-444(-);~~

~~((3)) (b) ((The selection of)) Select a protective
payee ((shall be made)) in accordance with WAC 388-
33-440 (3)(a), (b), and (c)(-);~~

~~((4)) (c) ((The manner in which the protective pay-
ee performs will be reviewed)) Review at least every
three months the manner in which the protective payee
performs; and~~

~~(d) Review the caretaker relative's circumstances
((will be reviewed)) as frequently as ((indicated:)) cir-
cumstances require, but at least every six months;~~

~~((5)) (e) ((Payment to the relative payee shall not
be resumed without written approval by the office of
support enforcement stating that the individual is coop-
erating in obtaining support)) Notify the department
IV-D staff of the client's change in cooperation status.~~

~~((6)) (3) The rules in this section as to the person
selected as protective payee and manner of disburse-
ments are not subject to a fair hearing.~~

WSR 89-19-079

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed September 20, 1989, 3:46 p.m.]

Original Notice.

Title of Rule: Practice and procedure rules for actions
under the Administrative Procedure Act (APA).

Purpose: The purpose of these rules is to clearly out-
line procedures and practice in view of the new Admin-
istrative Procedure Act.

Other Identifying Information: New sections in chap-
ter 192-04 WAC; technical amendments to chapter
192-40 WAC; and repealing chapter 192-09 WAC.

Statutory Authority for Adoption: RCW 50.12.010
and 50.12.040.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Replacement of chapter 192-09 WAC
with chapter 192-04 WAC. Technical amendments
chapter 192-40 WAC.

Reasons Supporting Proposal: New rules are in con-
formity with and compliance with new APA, chapter
34.05 RCW.

Name of Agency Personnel Responsible for Drafting:
Norm Ericson, 212 Maple Park, Olympia, WA 98504,
(206) 438-4775; Implementation and Enforcement:
Rules relating to unemployment insurance benefits will
be implemented and enforced by Mary Pat Frederick,
Deputy Assistant Commissioner for UI Benefits, 212
Maple Park, Olympia, WA 98504, (206) 586-5120;
rules relating to unemployment insurance taxes will be
implemented and enforced by Howard Nanto, Deputy
Assistant Commissioner for UI Tax, 212 Maple Park,
Olympia, WA 98504, (206) 586-5120; and rules relat-
ing to the Job Training Partnership Act will be imple-
mented and enforced by Larry Malo, Assistant Com-
missioner for Training and Employment Analysis, 212
Maple Park, Olympia, WA 98504, (206) 438-4611.

Name of Proponent: Employment Security Depart-
ment, governmental.

Rule is not necessitated by federal law, federal or
state court decision.

Explanation of Rule, its Purpose, and Anticipated Ef-
fects: Repealing chapter 192-09 WAC Practice and
procedure; new sections WAC 192-04-010 Adoption of
model rules, 192-04-020 Definitions, 192-04-030 Ap-
peals—Petitions for review—Payments under federal
programs, 192-04-050 Appeals—Petitions for hearing—
Right to notice, 192-04-060 Appeals—Petitions for
hearing—Petitions for review—Time limitations—
Forms, 192-04-070 Mailing addresses—Obligation of
parties, 192-04-080 Appeals—Petitions for hearing—
Petitions for review—Advisement orders—Time compu-
tation, 192-04-090 Untimely appeals, petitions for
hearing or petitions for review—Good cause, 192-04-
100 Appeals, petitions for hearing or petitions for re-
view—Withdrawal of, 192-04-110 Hearings—Repre-
sentation—Cross-examination, 192-04-120 Hearings—
Postponements—Continuances, 192-04-130 Discov-
ery—Depositions and interrogatories, 192-04-140 Con-
solidated cases, 192-04-150 Decisions—Contents, 192-
04-160 Decision of Commissioner—Incorporation, 192-

04-170 Decision of commissioner—Petition for review—Filing—Reply, 192-04-180 Decisions—Disposition other than by hearing on the merits—Petition for review, 192-04-190 Petition for reconsideration—Filing—Consideration—Disposition—Judicial review, 192-04-200 Declaratory orders and 192-04-210 Petitions for judicial review—Service on agency; and amending WAC 192-40-020 Definitions, 192-40-040 Review of local decisions, 192-40-050 Review of local decisions—Finality of assistant commissioner decisions, 192-40-060 Review of decisions—Delegation of responsibility, 192-40-070 State level hearing request, 192-40-080 State level hearing procedure, 192-40-090 State level decision by Office of Administrative Hearings and 192-40-100 Review of state level decisions.

Repeal of chapter 192-09 WAC and new sections in chapter 192-04 WAC, this proposal is designed to meet the Administrative Procedure Act requirements for rules of procedure before the Employment Security Department. It consists of one general repealer (unnumbered) and twenty numbered provisions. Analysis: WAC 192-04-010 adopts the model rules of procedure, prepared by the Office of Administrative Hearings, as the basic rules of procedure to be used by the agency. It also provides that rules adopted as part of this chapter will supersede the model rules to the extent of any conflict; WAC 192-04-020 defines terms of art used in the chapter; WAC 192-04-030 is a readoption of WAC 192-09-062 designating the procedures contained in this chapter as the procedure to be used for adjudicating matters administered by the department under federal rules, regulations or guidelines; WAC 192-04-050 delineates the documents which will contain notice of further appeal or petition for hearing rights. It is basically a reenactment of current regulation WAC 192-09-060; WAC 192-04-060 designates the individuals entitled to file appeals, petitions for hearing or petitions for review and advises such individuals of time limitations. It is basically a reenactment of current regulation WAC 192-09-063; WAC 192-04-070 requires interested parties in appeal or review proceedings to advise of change of mailing addresses and provides sanctions for failure to comply; WAC 192-04-080 sets forth methods of time computation for appeals, petitions for hearing, petitions for review and advisements orders; WAC 192-04-090 sets forth the criteria for determining whether good cause exists for the late filing of appeals, petitions for hearing and petitions for review; WAC 192-04-100 is the procedure for withdrawal of an appeal, petition for hearing or petition for review. It is basically a reenactment of WAC 192-09-070; WAC 192-04-110 is a reenactment of WAC 192-09-120; WAC 192-04-120 relates to postponements and continuances before the Office of Administrative Hearings; WAC 192-04-130 is basically a reenactment of WAC 192-09-410 relating to depositions and interrogatories; WAC 192-04-140 relates to consolidated cases. The current provision is WAC 192-09-165; WAC 192-04-150 is a slight amendment to the model rules allowing the current procedure of attaching rather than incorporating a statement of post-decision remedies. The current provision is WAC 192-09-300;

WAC 192-04-160 is a new provision designed to alter the requirements of the model rules of procedure with respect to contents of decisions. It would allow the review decisions to continue to incorporate findings of fact and conclusions of law contained in decisions of the Office of Administrative Hearings by using the reference device; WAC 192-04-170 is designed to comply with the provisions of the new Administrative Procedure Act relating to second level review of decisions of the Office of Administrative Hearings. It sets forth the procedures for filing petitions and arguments; WAC 192-04-180 is designed to comply with the provisions of the new Administrative Procedure Act with respect to disposition of decisions other than on the merits; WAC 192-04-190 sets forth procedures to comply with the provisions of the new Administrative Procedure Act regarding petitions for reconsideration of decisions of the commissioner (review decisions); WAC 192-04-200 sets forth limitations on declaratory orders that may be issued by the department; and WAC 192-04-210 sets forth the service location for service of petitions for judicial review on the agency.

Analysis of amendments to chapter 192-40 WAC, the amendments to this chapter are technical amendments which reflect the change of name of the division which administers the Job Training and Partnership Act, the new terminology used in chapter 192-04 WAC, and the new statutory provisions dealing with petitions for judicial review.

Proposal Changes the Following Existing Rules: The changes to sections in chapter 192-40 WAC are technical amendments to correct citation of applicable law and to change references to agency units that have changed names.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Training Room #1, Employment Security Training Facility, 106 Maple Park, Olympia, WA 98504, on Thursday, November 9, 1989, at 9:00 a.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by November 9, 1989.

Date of Intended Adoption: November 13, 1989.

September 20, 1989

Ernest F. LaPalm

Deputy Commissioner

REPEALER

Chapter 192-09 WAC is hereby repealed.

NEW SECTION

WAC 192-04-010 ADOPTION OF MODEL RULES. The Model Rules of Procedure contained in Chapter 10-08 WAC, as they exist now or may be hereafter amended, are, to the extent they are not inconsistent with the rules contained in this chapter, adopted as the rules of procedure before this agency. The rules contained in this chapter will, to the extent of any conflict with the Model Rules of Procedure, be deemed to supersede the conflicting provisions of the Model Rules of Procedure. The Model Rules of Procedure will be included in the departmental publication provided for in RCW 50.12.160.

NEW SECTION

WAC 192-04-020 DEFINITIONS. Unless the context in this chapter clearly indicates otherwise, the following terms and phrases shall have these meanings:

- (1) "Appeal" means a request for a hearing before and decision by the office of administrative hearings in a matter involving unemployment insurance benefits.
- (2) "Petition for Hearing" means a request for hearing before and decision by the office of administrative hearings in a matter involving unemployment insurance taxes.
- (3) "Petition for Review" means a request directed to the commissioner for a review of the proceedings held and decision issued by the office of administrative hearings.
- (4) "Advisement Order" means an order issued by the commissioner on his or her own motion assuming jurisdiction over a matter heard and/or decided by the office of administrative hearings.
- (5) "Commissioner" means the commissioner's review office of the employment security department.

NEW SECTION

WAC 192-04-030 APPEALS—PETITIONS FOR REVIEW—PAYMENTS UNDER FEDERAL PROGRAMS. When the applicable federal law, regulations or guidelines for any federal program administered by the employment security department provides for the right of appeal, petition for hearing or petition for review from a determination or decision of the employment security department or the office of administrative hearings, the procedures outlined in Title 50 RCW, Title 34 RCW, and Chapter 192-04 WAC shall, to the extent that said procedures are consistent with the federal law, regulations and guidelines, be utilized for the disposition of such appeals or petitions for review.

NEW SECTION

WAC 192-04-050 APPEALS—PETITIONS FOR HEARING—RIGHT TO NOTICE Notice of appeal or petition for hearing rights shall be set forth on the face of, or as an attachment to, each of the following:

- (1) Redetermination of an initial monetary determination.
- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
- (4) An overpayment assessment or a denial of a request for waiver of an overpayment.
- (5) Order and notice of assessment of contributions, interest, or penalties.
- (6) Denial of a claim for refund of contributions, interest, or penalties.
- (7) Denial of a request for relief of benefit charges made to an employer's account.
- (8) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
- (9) Denial of approval or extension of standby status.
- (10) Denial of a request for commissioner approved training.

NEW SECTION

WAC 192-04-060 APPEALS—PETITIONS FOR HEARING—PETITIONS FOR REVIEW—TIME LIMITATION—FORMS. Any interested party who is aggrieved by any decision of the department set forth in WAC 192-04-050 may file a written appeal or petition for hearing with any job service center or district tax office or the unemployment compensation agency in any other state or territory. Such appeal or petition for hearing shall be filed within thirty days of the date such decision is delivered or mailed, whichever is the earlier. If the appeal and/or petition for hearing is mailed, it shall be filed in accordance with the provisions of RCW 50.32.025.

Any interested party who is aggrieved by a decision of the office of administrative hearings, other than an order approving a withdrawal of appeal, an order approving a withdrawal of a petition for hearing, a consent order, or an interim order, may file a written petition for review in accordance with the provisions of WAC 192-04-170. Such petition for review shall be filed within thirty days of the date of delivery or mailing of such decision, whichever is the earlier. If the petition for review is mailed it shall be filed in accordance with the provisions of RCW 50.32.025.

At the request of such party, the employment security department shall furnish forms for the filing of a notice of appeal, petition for hearing, or petition for review, but the use of such forms is not a jurisdictional requirement.

NEW SECTION

WAC 192-04-070 MAILING ADDRESSES—OBLIGATIONS OF PARTIES. Once an appeal or petition for hearing has been filed, any interested party must notify the office of administrative hearings of any change of mailing address.

Once a petition for review has been filed, any interested party must notify the commissioner's review office of any change of mailing address.

Any interested party who fails to comply with this regulation will not be deemed to have good cause for failure to appear at a hearing or for late filing of a petition for review or untimely submission of a reply or petition for reconsideration.

NEW SECTION

WAC 192-04-080 APPEALS—PETITIONS FOR HEARING—PETITIONS FOR REVIEW—ADVISEMENT ORDERS—TIME COMPUTATION The time within which an appeal, a petition for hearing, a petition for review, or advisement order is to be perfected, under the provisions of the Employment Security Act (Title 50 RCW, as amended) shall be computed by excluding the day of delivery or mailing of the determination, redetermination, denial, order and notice of assessment, or decision and including the last day. If the last day is a Saturday or Sunday or a holiday, as defined in RCW 1.16-.050, the appeal, petition for hearing, petition for review or advisement order must be perfected no later than the next business day.

NEW SECTION

WAC 192-04-090 UNTIMELY APPEALS, PETITIONS FOR HEARING OR PETITIONS FOR REVIEW—GOOD CAUSE The following factors shall be considered in determining whether good cause exists under RCW 50.32.075 for the late filing of an appeal, petition for hearing or petition for review:

- (a) the length of the delay,
- (b) the excusability of the delay, and
- (c) whether acceptance of the late filed appeal, petition for hearing, or petition for review will result in prejudice to other interested parties, including the department.

NEW SECTION

WAC 192-04-100 APPEALS, PETITIONS FOR HEARING OR PETITIONS FOR REVIEW—WITHDRAWAL OF. Any interested party may withdraw his or her appeal, petition for hearing or petition for review at any time prior to a decision thereon, in which case the previous determination, redetermination, denial, order and notice of assessment or decision shall be final in accordance with the provisions of the Employment Security Act. Such withdrawal shall, however, be subject to the approval of the office of administrative hearings in the case of an appeal or petition for hearing, or of the commissioner in the case of a petition for review.

NEW SECTION

WAC 192-04-110 HEARINGS—REPRESENTATION—CROSS-EXAMINATION. Any interested party, or his or her legally authorized representative, shall have the right to give testimony and to examine and cross-examine any other interested party and/or witnesses with respect to facts material and relevant to the issues involved.

NEW SECTION

WAC 192-04-120 HEARINGS—POSTPONEMENTS—CONTINUANCES. Any party to a hearing may request a postponement of a hearing at any time prior to the actual convening of the hearing. The granting or denial of the request will be at the discretion of the presiding administrative law judge.

The presiding administrative law judge may in the exercise of sound discretion grant a continuance of a hearing at any time at the request of any interested party or on his or her own motion.

NEW SECTION

WAC 192-04-130 DISCOVERY—DEPOSITIONS AND INTERROGATORIES. At the discretion of the presiding administrative law judge he or she may cause to be taken depositions or interrogatories on his or her own motion, or at the request of any interested party.

NEW SECTION

WAC 192-04-140 CONSOLIDATED CASES. The presiding administrative law judge may hear individual matters on a consolidated record if there is a substantial identity of issues and the rights of no party will be adversely affected thereby. Such procedure should provide for the hearing of additional or unique issues relating to individual cases.

NEW SECTION

WAC 192-04-150 DECISIONS—CONTENTS. Every decision issued by the office of administrative hearings, other than an order approving a withdrawal of appeal, an order approving a withdrawal of a petition for hearing, a consent order, or an interim order, and every decision issued by the commissioner pursuant to RCW 50.32.080, other than an interim order or an order granting or denying a motion for reconsideration or a stay, shall:

- (1) Be correctly captioned as to the name of the agency and name of the proceeding;
- (2) Designate all parties and representatives participating in the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461;
- (5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;
- (6) Contain an initial or final order disposing of all contested issues;
- (7) Be accompanied by or contain a statement of petition for review or petition for judicial review rights.

NEW SECTION

WAC 192-04-160 DECISION OF COMMISSIONER—INCORPORATION. A decision of the commissioner issued pursuant to RCW 50.32.080 may incorporate by reference any portion of the decision under review. Such incorporation shall be deemed to meet the requirements of WAC 192-04-150.

NEW SECTION

WAC 192-04-170 DECISION OF COMMISSIONER—PETITION FOR REVIEW—FILING—REPLY. (1) The written petition for review shall be filed with any job service center or district tax office or the agency records center of the Employment Security Department, 212 Maple Park Drive, Olympia, WA, 98504, or the unemployment compensation agency in any other state or territory. Such petition for review shall be filed within thirty days of the date of the mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier.

(2) Any written argument in support of the petition for review must be attached to the petition for review and filed contemporaneously therewith. The commissioner's review office will acknowledge receipt of the petition for review and mail a copy of such acknowledgement to the petitioning party and his or her representative of record, if any. The commissioner's review office will also mail copies of the acknowledgement, petition for review and attached argument to the non-petitioning parties of record and their representatives, if any.

(3) Any reply to the petition for review and any arguments in support thereof shall be filed within ten days of the date of mailing of the acknowledgment of the petition for review. It shall be mailed or delivered to the Commissioner's Review Office, Employment Security Department, 212 Maple Park Drive, Olympia, WA, 98504, and to all other parties and their representatives.

(4) Arrangements for representation and requests for copies of the hearing record and exhibits will not extend the period for the filing of a petition for review, argument in support thereof, or a reply to the petition for review.

(5) Any argument in support of the petition for review or in reply thereto not submitted in accordance with the provisions of this regulation shall not be considered in the disposition of the case absent a

showing that failure to comply with these provisions was beyond the reasonable control of the individual seeking relief.

NEW SECTION

WAC 192-04-180 DECISIONS—DISPOSITION OTHER THAN BY HEARING ON THE MERITS—PETITION FOR REVIEW. The presiding administrative law judge may dispose of any appeal or petition for hearing by consent order or order of default. There shall be no petition for review rights from a consent order or order of default.

Any interested party aggrieved by the entry of an order of default may file a petition for review from such order by complying with the filing requirements set forth in WAC 192-04-170: PROVIDED, HOWEVER, That the default of such party shall be set aside by the commissioner only upon a showing of good cause for failure to appear or to request a postponement prior to the scheduled time for hearing. In the event such order of default is set aside, the commissioner shall remand the matter to the office of administrative hearings for hearing and decision.

NEW SECTION

WAC 192-04-190 PETITION FOR RECONSIDERATION—FILING—CONSIDERATION—DISPOSITION—JUDICIAL REVIEW. (1) A written petition for reconsideration and argument in support thereof may be filed within ten days of the date of mailing or delivery of the decision of the commissioner, whichever is the earlier. It shall be mailed or delivered to the Commissioner's Review Office, Employment Security Department, 212 Maple Park Drive, Olympia, WA, 98504, and to all other parties of record and their representatives.

(2) No matter will be reconsidered by the commissioner unless it clearly appears from the face of the petition for reconsideration and the argument submitted in support thereof that (a) there is obvious material, clerical error in the decision or (b) the petitioner, through no fault of his or her own, has been denied a reasonable opportunity to present argument or respond to argument pursuant to WAC 192-04-170.

(3) A petition for reconsideration shall be deemed to have been denied if, within twenty days from the date the petition for reconsideration is filed, the commissioner does not either (a) dispose of the petition for reconsideration or (b) mail or deliver to the parties a written notice specifying the date by which he or she will act on the petition for reconsideration. If no action is taken by the date specified in such written notice, the petition will be deemed to have been denied.

(4) A petition for reconsideration does not stay the effectiveness of the decision of the commissioner. The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review. An order denying reconsideration or a written notice specifying the date upon which action will be taken on the petition for reconsideration is not subject to judicial review.

NEW SECTION

WAC 192-04-200 DECLARATORY ORDERS The commissioner will not issue a declaratory order on any matter that may be adjudicated under any statute, regulation or other provision of law. No declaratory order will be issued which is merely an advisory opinion.

NEW SECTION

WAC 192-04-210 PETITIONS FOR JUDICIAL REVIEW—SERVICE ON AGENCY Service on the agency under RCW 34.05.542(2) shall be made upon the agency records center at the following address: Employment Security Department, 212 Maple Park Drive, Olympia, WA, 98504.

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-020 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assistant commissioner" means the senior administrator for the training and employment analysis ((program services)) division of the employment security department.

(2) "Interested party" means an individual who participates in or applies for participation in a program administered under the JTPA,

or a person or organization which is directly or adversely affected by organizations or individuals operating programs under JTPA.

(3) "JTPA" means the Job Training Partnership Act of 1982, Public Law No. 97-300, as amended, codified as 29 U.S.C. 1501 et seq.

(4) "T((PS))EA" means the training and employment analysis ((program services)) division.

(5) "Provisions" means the Job Training Partnership Act provisions issued by the employment security department.

(6) "Reviewing officer" means the commissioner's review office ((~~reviewing officer or deputy reviewing officer who~~)) which acts as the commissioner's delegate((s)) in the review of ((~~the~~)) employment security adjudicative ((adjudicatory)) matters.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-040 REVIEW OF LOCAL DECISIONS. Any person adversely affected by a local decision or by the failure of the responsible entity to comply with its responsibilities to hold a hearing and issue a decision may request review of the decision or inaction, as the case may be, by filing a petition with the "assistant commissioner."

(1) Any individual or organization may petition for review of a local level decision or lack thereof when:

- Applicable JTPA procedures have been exhausted; and
- A decision was not received within sixty days of the filing of the complaint, alleged adverse action, or grievance; or
- The decision received was unsatisfactory to an interested party.

(2) A petition for review will be regarded as filed on the date a written request is received by the assistant commissioner of the training and employment analysis ((program services)) division of the employment security department. Petitions must be filed within ten days after the date on which the local decision was mailed or within ten days from the date on which the complainant should have received the local decision. If the petition is mailed, it will be deemed filed with the addressee on the postmark date if it is properly addressed and has sufficient postage. The ((P)) petition for review will be addressed to: Assistant Commissioner, Training and Employment Analysis ((Program Services)) Division, Employment Security Department, Mailstop KG-11, Olympia, Washington 98504.

(3) Within five days of any request from the assistant commissioner the local authority will transmit all records pertaining to the matter under review to the assistant commissioner.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-050 REVIEW OF LOCAL DECISIONS—FINALITY OF ASSISTANT COMMISSIONER DECISION. The review of local decisions shall be confined to the record under review and shall be limited to consideration only of those matters over which the assistant commissioner has jurisdiction. In the event that the record is incomplete, or otherwise provides insufficient information upon which to base a decision, the assistant commissioner may remand the matter to the responsible local authority for the taking of further evidence and issuance of a new decision based thereon, subject to further review, or should he or she be convinced that a fair hearing will not be provided by the local authority he or she may assign the case to be heard by an administrative law judge to be designated by the office of administrative hearings. In the latter event the administrative law judge shall conduct a hearing and issue a decision which will be deemed the decision of the local authority subject to review by the assistant commissioner in the same manner as any other local decision.

The decision of the assistant commissioner upon review of local decisions is a final agency action and is subject to review under RCW 34.((04-130)) 05.570.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-060 REVIEW OF DECISIONS—DELEGATION OF RESPONSIBILITY. In the interest of fairness, the assistant commissioner reserves the option to delegate the review procedure as described in WAC 192-40-050 to the ((~~reviewing officer~~)) commissioner's review office of the employment security department or other qualified legal authority. The decision of the delegated review authority is a final agency action and subject to review under RCW 34.04.130)) 05.570.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-070 STATE LEVEL HEARING REQUEST. Any aggrieved party with a timely complaint, alleged adverse action, or grievance against the state administrative office for JTPA shall be provided a written description of the training and employment analysis ((program services)) division complaint procedures including notification of their right to file a complaint and instructions on how to file.

Any party aggrieved by an unresolved complaint, alleged adverse action, or grievance properly filed with the state administrative office for JTPA operations will be deemed to have filed a request for hearing unless the party has waived right to hearing.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-080 STATE LEVEL HEARING PROCEDURE. Upon receipt of a request for hearing, the training and employment analysis ((program services)) division will request ((~~notify~~)) the office of administrative hearings to conduct a hearing pursuant to 29 U.S.C. 1554 and 1577, except for complaints of discrimination filed pursuant to 42 U.S.C. 2000(d), et seq.

Advance written notice of the hearing will be provided by regular mail to all interested parties at least twenty days prior to the hearing to permit adequate preparation of the case. The notice will include:

(1) The time, date, and place of the hearing. Hearings shall be held at the regularly established hearing locations most convenient to the interested parties, or at the discretion of the presiding administrative law judge ((~~hearing officer~~)), by telephone;

(2) The name, address, and telephone number of the person to notify in the event it is not possible for the party or its legal counsel to attend the scheduled hearing;

(3) The hearing procedures, a statement of the issues, and any other information which would provide the party or its legal counsel with an understanding of the proceedings and contribute to the effective presentation of the party's case;

(4) An explanation that the party or its legal counsel may examine the case file prior to the hearing.

Any interested party may waive his/her right to notice either in writing or on the record.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 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 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-090 STATE LEVEL DECISION BY OFFICE OF ADMINISTRATIVE HEARINGS. After affording the interested parties an opportunity for hearing on the matter, the presiding administrative law judge ((~~assigned by the office of administrative hearings~~)) shall issue his/her decision in the case. The decision shall be issued within 60 days of the initial filing of the request for hearing.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 1-86, filed 5/1/86 [4/1/86])

WAC 192-40-100 REVIEW OF STATE LEVEL DECISION. When a request for review is made of a state level decision, a proceeding under WAC 192-40-070, the review shall be conducted by the ~~((reviewing officer)) commissioner's review office~~ of the employment security department. A request for such review must be directed to the ~~((reviewing officer)) commissioner's review office~~ within twenty days of the issuance of the decision of the administrative law judge. Said review will be of the record prepared by the office of administrative hearings and will result in a decision in writing affirming, modifying, or reversing the decision of the administrative law judge, or in the event that the record is incomplete, or otherwise provides insufficient information upon which to pass a decision, the ~~((reviewing officer)) commissioner's review office~~ may remand the matter to the office of administrative hearings for the taking of further evidence and the issuance of a new decision based thereon. The decision of the reviewing officer shall be deemed a final state action subject to petition for judicial review pursuant to RCW 34.04.130) 05.570.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 89-19-080
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Filed September 20, 1989, 4:07 p.m.]

Original Notice.

Title of Rule: Chapter 392-191 WAC, School personnel—Evaluation [of the] professional performance capabilities.

Purpose: To establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

Statutory Authority for Adoption: RCW 28A.67.065 and 28A.67.225.

Statute Being Implemented: Same.

Summary: Sets forth evaluation for professional performance.

Name of Agency Personnel Responsible for Drafting: Richard Michael Wilson, Old Capitol Building, (206) 753-2298; Implementation: Doyle Winter, Old Capitol Building, (206) 753-1880; and Enforcement: Warren Burton, Old Capitol Building, (206) 753-1880.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules establish new procedural standards for evaluating professional personnel and aid in development of certificated employees of school districts.

Proposal Changes the Following Existing Rules: Sets up minimum procedural standards in addition to criteria.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, Olympia, Washington 98504, on October 27, 1989, at 9:00 a.m.

Submit Written Comments to: Richard Michael Wilson, Superintendent of Public Instruction Legal Services, by October 25, 1989.

Date of Intended Adoption: October 27, 1989.

September 20, 1989
 Judith A. Billings
 Superintendent of
 Public Instruction

Chapter 392-191 WAC
SCHOOL PERSONNEL—EVALUATION OF THE PROFESSIONAL PERFORMANCE CAPABILITIES

WAC	
392-191-001	Authority.
392-191-005	Purpose.
392-191-010	Minimum <u>evaluation</u> criteria—Certificated classroom teachers.
392-191-020	Minimum <u>evaluation</u> criteria—Certificated support personnel.
392-191-025	Minimum procedural standards—Purposes of evaluation.
392-191-030	Minimum procedural standards—Frequency of evaluation.
392-191-035	Minimum procedural standards—Conduct of the evaluation.
392-191-040	Minimum procedural standards—Procedures to be used in making evaluations.
392-191-045	Minimum procedural standards—Use of evaluation results.
392-191-060	Professional growth component.
392-191-065	Professional growth component—Purpose.
392-191-070	Professional growth component—Implementation.
392-191-075	Professional growth component—Committee membership.
392-191-080	Professional growth component—Sources of information.
392-191-085	Professional growth component—Short form of evaluation.
392-191-090	Professional growth component—records.
392-191-095	Professional growth component—Timeline.

AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)

WAC 392-191-001 AUTHORITY. The general authority for this chapter is RCW 28A.67.065 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. This general authority is supplemented by RCW 28A.67.225 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certificated support personnel conducted pursuant to RCW 28A.67.065.

AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)

WAC 392-191-005 PURPOSE. The purpose of this chapter is to establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)

WAC 392-191-010 MINIMUM EVALUATION CRITERIA—CERTIFICATED CLASSROOM TEACHERS. The following are the minimum criteria for certificated classroom teachers:

(1) Instructional skill. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) Classroom management. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) Professional preparation and scholarship. The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) Effort toward improvement when needed. The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) The handling of student discipline and attendant problems. The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) Interest in teaching pupils. The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) Knowledge of subject matter. The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s).

AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)

WAC 392-191-020 MINIMUM EVALUATION CRITERIA—CERTIFICATED SUPPORT PERSONNEL. The following are the minimum criteria for certificated support personnel:

(1) Knowledge and scholarship in special field. Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) Specialized skills. Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) Management of special and technical environment. Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) The support person as a professional. Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) Involvement in assisting pupils, parents, and educational personnel. Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

NEW SECTION

WAC 392-191-025 MINIMUM PROCEDURAL STANDARDS—PURPOSES OF EVALUATION. The purposes of evaluations of certificated classroom teachers and certificated support personnel shall be, at a minimum:

(1) To identify in consultation with classroom teachers and certificated support personnel observed, particular areas in which their professional performance is satisfactory or outstanding, and particular areas in which the classroom teacher or support person needs to improve his or her performance.

(2) To assist classroom teachers and certificated support personnel, who have identified areas needing improvement, in making those improvements.

(3) To identify classroom teachers or certificated support personnel whose professional performance is unsatisfactory and for whom remediation is needed.

NEW SECTION

WAC 392-191-030 MINIMUM PROCEDURAL STANDARDS—FREQUENCY OF EVALUATION. Each school year the frequency of evaluation shall be:

(1) All classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties.

(2) Minimum length of time for any observation shall be thirty minutes.

(3) New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(4) Total observation time for each employee for each school year shall be not less than sixty minutes.

NEW SECTION

WAC 392-191-035 MINIMUM PROCEDURAL STANDARDS—CONDUCT OF THE EVALUATION. The conduct of the evaluation of classroom teachers and certificated support personnel shall include, at a minimum, the following:

(1) Observation and oral and written comment pursuant to RCW 28A.67.065 by the principal or his/her designee at the school to which the certificated employee is assigned. The local policies may provide for additional or extended observations and by persons other than the principal or his/her designee.

(2) Written and oral comment by the certificated employee being evaluated, pursuant to local policies. This aspect of the evaluation shall constitute the formal portion of the evaluation which shall be made a part of the employee's personnel file.

(3) For certificated classroom teachers, the minimum criteria set forth in WAC 392-191-010; and for certificated support personnel the minimum criteria set forth in WAC 392-191-020. Nothing in this chapter shall be construed to prohibit a local school district from developing an evaluation instrument which contains criteria in excess of those established by the superintendent of public instruction.

NEW SECTION

WAC 392-191-040 MINIMUM PROCEDURAL STANDARDS—PROCEDURES TO BE USED IN MAKING EVALUATIONS. The following procedures shall be used in making evaluations:

(1) The procedures stipulated in RCW 28A.67.065 shall be used by principals and other personnel conducting evaluations of certificated classroom teachers and certificated support personnel.

(2) Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared.

(3) Each employee shall have the opportunity for a minimum of two confidential conferences with his/her principal or other evaluator either following receipt of the written evaluation results, or at a time mutually satisfactory to the participants. The sole purpose of such conference shall be to provide additional information to aid the principal or his or her designee in completing the evaluation (e.g., providing direction, assistance, guidance, encouragement to the employee).

(4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

NEW SECTION

WAC 392-191-045 MINIMUM PROCEDURAL STANDARDS—USE OF EVALUATION RESULTS. Evaluation results shall be used:

(1) To acknowledge, recognize, and encourage excellence in professional performance.

(2) To document the satisfactory performance by an employee of his/her assigned duties.

(3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement.

(4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.

NEW SECTION

WAC 392-191-060 PROFESSIONAL GROWTH COMPONENT. In addition to the observation required by WAC 392-191-005 through 392-191-045, local school districts shall adopt, pursuant to chapter 41.59 RCW, an evaluation system which includes a professional growth component. Such professional growth component shall be administered in accordance with WAC 392-191-060 through 392-191-090 unless a collective bargaining agreement provides otherwise.

NEW SECTION

WAC 392-191-065 PROFESSIONAL GROWTH COMPONENT—PURPOSE. The purpose of the professional growth component is to assist certificated classroom teachers in the development of professional growth plans by encouraging enhancements and improvements in teaching skills, techniques, and abilities.

NEW SECTION

WAC 392-191-070 PROFESSIONAL GROWTH COMPONENT—IMPLEMENTATION. Each district shall establish a professional growth committee which shall develop the district's professional growth program in accordance with the procedures in this chapter.

NEW SECTION

WAC 392-191-075 PROFESSIONAL GROWTH COMPONENT—COMMITTEE MEMBERSHIP. Each local school district shall establish in accordance with local district policy a professional growth planning/review committee which shall include, at a minimum, representatives of the following groups:

(1) Certificated classroom teachers. A minimum of one teacher from the K-8 level and one teacher from the high school level if the local school district provides education services to any grades beyond the sixth grade.

(2) Certificated support personnel. A minimum of one itinerant staff person, if the school district employs itinerant personnel, and a minimum of one other representative of counseling, assessment, library and/or other certificated support staff, if the school district employs nonitinerant certificated support staff.

(3) Central office administrators. A minimum of one representative.

(4) Building level administrators. A minimum of one administrator from the K-8 level and one administrator from the high school level if the local school district provides education services to any grades beyond the sixth grade.

(5) Additional persons. Local school districts may add additional members to the committee.

(6) PROVIDED, That the local school district committee established under the In-service Training Act of 1977—Administration of funds—Rules—Requirements for local districts—In-service training task force, RCW 28A.71.210, may be used by the school district as the professional growth committee.

NEW SECTION

WAC 392-191-080 PROFESSIONAL GROWTH COMPONENT—SOURCES OF INFORMATION. One or more of the following sources of information shall be used by certificated classroom teachers in developing professional growth plans: (1) Peer review and evaluation, (2) input by parents, (3) input by students, (4) personal and/or professional goals, (5) school district goals, (6) building goals, (7) self-assessment, (8) personal academic records, and (9) school district evaluations.

NEW SECTION

WAC 392-191-085 PROFESSIONAL GROWTH COMPONENT—SHORT FORM OF EVALUATION. Nothing in the professional growth component shall preclude a district from combining the short form of evaluation, RCW 28A.67.065, with its professional growth models.

NEW SECTION

WAC 392-191-090 PROFESSIONAL GROWTH COMPONENT—RECORDS. Materials/records/portfolios developed as a result of the individual's participation in the professional growth program shall be the property of the certified staff member participating in the program and shall not be retained in the employee's personnel file or used by the district in its formal evaluation criteria.

NEW SECTION

WAC 392-191-095 PROFESSIONAL GROWTH COMPONENT—TIMELINE. Districts shall:

(1) Establish a professional growth committee, pursuant to WAC 392-191-075, during, if not before, the 1990-91 school year.

(2) Adopt a professional growth component in school districts by the 1992-93 school year.

WSR 89-19-081**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-112—Filed September 20, 1989, 4:20 p.m.]

Date of Adoption: September 20, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable surplus of clams and oysters on these beaches have been taken. There is inadequate time to promulgate permanent regulations.

Effective Date of Rule: Immediately.

September 20, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-56-35000H HARDSHELL CLAMS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-350,

(1) Effective immediately until further notice, it is unlawful to take, dig for or possess hardshell clams taken from the following areas:

(a) All state-owned tidelands at Bywater Bay.

(b) All state-owned tidelands at Point Whitney.

(c) All state-owned tidelands at Eagle Creek.

(d) Oak Bay County Park - All county-owned tidelands on the west side of Oak Bay.

(e) All state-owned tidelands at Browns Point, Toandos Peninsula (DNR Beach 57B - from a point 1.5 miles north of Browns Points to a point approximately 1.0 miles south of Browns Point)

(2) Immediately until further notice, it is unlawful to take, dig for or possess hardshell clams taken from all stated-owned tidelands at Fort Flagler State Park.

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

NEW SECTION

WAC 220-56-38000E OYSTERS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice it is unlawful to take or possess oysters taken from the following areas:

(1) *Kitsap Memorial State Park* – All state-owned tidelands at Kitsap Memorial State Park.

(2) *Bywater Bay* – All state-owned tidelands at Bywater Bay.

WSR 89-19-082

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-113—Filed September 20, 1989, 4:23 p.m.]

Date of Adoption: September 20, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100T.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are immediately available in the Columbia River. This rule is consistent with the actions of the September 20, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 20, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05100U COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish or possess salmon and shad under the following provisions:

Open: for salmon and shad

Time: 6:00 a.m. September 20 to 6:00 p.m. September 28, 1989.

Area: 1F, 1G, and 1H

Mesh: 8 inch minimum mesh.

Sturgeon may be possessed for subsistence purposes only.

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the

breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period August 28 through September 28, the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the the thread of the river to a point in mid-river, then downstream to Light "1" on the

Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100T COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (89-110)

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

WSR 89-19-083

PROPOSED RULES

GAMBLING COMMISSION

[Filed September 20, 1989, 4:58 p.m.]

Original Notice.

Title of Rule: WAC 230-02-022 Cost defined; 230-04-110 Licensing of manufacturers (~~of punchcard, pull tab, or devices for dispensing of pull tabs~~); 230-04-120 Licensing of distributors (~~of punchboards, pull tabs, or devices for dispensing of pull tabs~~); 230-04-124 Licensing of manufacturers and distributors representatives; 230-04-190 Issuance of license; 230-40-201 Fees; 230-08-010 Monthly records; 230-08-017 Control and use of identification and inspection services stamps; 230-08-025 Accounting records to be maintained by distributors and manufacturers; 230-08-060 Electronic crane amusement game records; 230-08-140 Quarterly activity reports by distributors; 230-08-150 Quarterly activity reports by manufacturers; 230-08-180 Quarterly activity reports by electronic crane operators; 230-20-605 Types of amusement games authorized; 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted; and 230-20-670 (~~Limited Locations for~~) electronic (~~cranes claw amusement~~) games—Approved locations.

Purpose: To set up a system of regulation necessary to ensure the proper operation and control of electronic cranes. Rules also set forth fee schedule for operating electronic cranes.

Statutory Authority for Adoption: RCW 9.46.070 (4), (11), and (14).

Statute Being Implemented: RCW 9.46.0201 and [9.46].0311.

Summary: These rules set the requirements for licensing of all manufacturers of electronic cranes, the distribution, the manner of operations, the record-keeping requirements, specifications of construction and fees.

Reasons Supporting Proposal: This area has been tested for the last year and should the commission decide to approve these devices in new locations, these rules are necessary to ensure adequate regulation and control.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4511 Woodview Drive S.E., Lacey, WA, 348-7640 [438-7640]; **Implementation and Enforcement:** Ronald O. Bailey, 4511 Woodview Drive S.E., Lacey, WA, 348-7640 [438-7640].

Name of Proponent: Ronald Farley representing the Washington Association Music Operators of America, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Program implementation will result in increase of three to four FTEs.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are necessary to ensure proper regulation and control of electronic cranes. The rules would authorize cranes in new locations which include bowling alleys, cocktail lounges, taverns, arcades, movie theaters and miniature golf facilities.

Proposal Changes the Following Existing Rules: Proposal expands authorized locations for electronic cranes, and formalizes requirements that have been in existence for the last 18 months.

Small Business Economic Impact Statement: The commission has considered whether these rules are subject to [the] Regulatory Fairness Act and has determined that they are not for the following reasons: These rules, if passed would implement the system that has been used during the last 18 months under a test; and these rules would allow businesses choosing to utilize electronic cranes to realize a profit from these devices. Without the rules there will be restrictive usage of electronic cranes, and the profitability of that market will be significantly diminished.

Hearing Location: Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98188, on November 15, 1989, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by November 15, 1989.

Date of Intended Adoption: November 15, 1989.

September 20, 1989

Frank L. Miller
Deputy Director

Reviser's note: The material contained in this filing will appear in the 89-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 89-19-084

PROPOSED RULES

GAMBLING COMMISSION

[Filed September 20, 1989, 5:00 p.m.]

Original Notice.

Title of Rule: WAC 230-02-035 Field offices and operations; 230-50-020 (~~Hearing examiner~~) Adjudicated proceedings; 230-50-010 Adjudicated proceedings—Hearings; 230-50-012 (~~Director may temporarily suspend license pending a hearing~~) Emergency adjudicated proceedings—Summary suspensions; 230-50-020 (~~Hearings examiners~~) Adjudicated proceedings appointment of administrative law judge; 230-50-030 (~~Hearings methods~~) Adjudicated proceedings—Hearings—Interpreter—Timing; 230-50-060 Adjudicated proceedings—Appearance and practice before the commission—Who may appear; 230-50-150 Adjudicated proceedings—Notice (and opportunity for hearing in contested cases) of hearing—Requirements; 230-50-160 Adjudicated proceedings—Service of process—By whom served; 230-50-190 Adjudicated proceedings—Service of process—Method of service; 230-50-200 Adjudicated proceedings—Service of process—When service complete; 230-50-210 Adjudicated proceedings—Service of process—Filing with agency; 230-50-225 Adjudicated proceedings—Discovery; 230-50-230 Adjudicated proceedings—Subpoenas (—Issuance to parties), issuance, service, fees, quashing and enforcement; 230-50-300 Adjudicated proceedings—Depositions and interrogatories (in contested cases)—Right to take; 230-50-330 Adjudicated proceedings—Depositions and interrogatories (in contested cases)—(~~Authorization~~) Notice; 230-50-390 Adjudicated proceedings—Depositions and interrogatories (in contested cases)—Fees of deponents—Costs of deposition; 230-50-550 (~~Form and content of decisions in contested cases and proposed orders~~) Adjudicated proceedings—Initial or final order; 230-50-560 Adjudicated proceedings—Review of initial order—Replies—Reconsideration; 230-50-570 Adjudicated proceeding—Stay; 230-50-580 Adjudicated proceedings—Hearings—Forms; 230-50-610 (~~Prehearing~~) Adjudicated proceedings settlement conferences (rule authorized) and prehearing conferences; 230-50-630 Submission of documentary evidence in advance; 230-50-800 Petitions for rule making, amendments or repeal (—who may petition); 230-50-850 Declaratory (rulings) order; and repealing WAC 230-04-123 Licensing of distributor's representatives; 230-04-130 Licensing of manufacturer's representatives; 230-50-070 Appearance in certain proceedings may be limited to attorneys; 230-50-140 Waiver of hearing; 230-50-220 Subpoenas—Form; 230-50-240 Subpoenas—Service of; 230-50-250 Subpoenas—Fees; 230-50-260 Subpoenas—Proof of service; 230-50-270 Subpoenas—Quashing; 230-50-280 Subpoenas—Enforcement; 230-50-290 Subpoenas[—]Geographical scope; 230-50-430 Depositions upon interrogatories—Provisions of deposition rule; 230-50-600 Definition of issues before hearing; 230-50-620 Prehearing conference rule—Record of conference action; 230-50-810 Petitions for rule making, amendments or repeal—Requisites; 230-50-820 Petitions for

rule making, amendments or repeal—Agency must consider; 230-50-830 Petitions for rule making, amendments or repeal—Notice of dispositions; 230-50-950 Forms; and 230-60-015 Description of central and field organization of the Gambling Commission.

Purpose: To implement the new Administrative Procedure Act, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: These rules set up new procedures for rule making and adjudicated proceedings as required under chapter 34.05 RCW.

Reasons Supporting Proposal: Rules are necessary to carry out the regulatory function of the agency.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4522 [4511] Woodview Drive S.E., Lacey, 438-7640; Implementation and Enforcement: Ronald O. Bailey, Director, 4522 [4511] Woodview Drive S.E., Lacey, 438-7640.

Name of Proponent: Staff.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Housekeeping rules to implement new APA.

Proposal Changes the Following Existing Rules: Amended to establish consistency with the new requirements of chapter 34.05 RCW.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98188, on November 15, 1989, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504, by November 15, 1989.

Date of Intended Adoption: November 15, 1989.

September 20, 1989

Frank L. Miller

Deputy Director

Reviser's note: The material contained in this filing will appear in the 89-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

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
- PREP = Preproposal comments
- 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

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-12-005	REP-P	89-09-068	1-12-180	REP-P	89-09-068	1-13-100	REP-P	89-09-068
1-12-005	REP	89-12-028	1-12-180	REP	89-12-028	1-13-100	REP	89-12-028
1-12-010	REP-P	89-09-068	1-12-190	REP-P	89-09-068	1-13-110	REP-P	89-09-068
1-12-010	REP	89-12-028	1-12-190	REP	89-12-028	1-13-110	REP	89-12-028
1-12-020	REP-P	89-09-068	1-12-191	REP-P	89-09-068	1-13-120	REP-P	89-09-068
1-12-020	REP	89-12-028	1-12-191	REP	89-12-028	1-13-120	REP	89-12-028
1-12-030	REP-P	89-09-068	1-12-200	REP-P	89-09-068	1-13-125	REP-P	89-09-068
1-12-030	REP	89-12-028	1-12-200	REP	89-12-028	1-13-125	REP	89-12-028
1-12-032	REP-P	89-09-068	1-12-210	REP-P	89-09-068	1-13-130	REP-P	89-09-068
1-12-032	REP	89-12-028	1-12-210	REP	89-12-028	1-13-130	REP	89-12-028
1-12-033	REP-P	89-09-068	1-12-220	REP-P	89-09-068	1-13-140	REP-P	89-09-068
1-12-033	REP	89-12-028	1-12-220	REP	89-12-028	1-13-140	REP	89-12-028
1-12-034	REP-P	89-09-068	1-12-910	REP-P	89-09-068	1-13-150	REP-P	89-09-068
1-12-034	REP	89-12-028	1-12-910	REP	89-12-028	1-13-150	REP	89-12-028
1-12-035	REP-P	89-09-068	1-12-930	REP-P	89-09-068	1-13-155	REP-P	89-09-068
1-12-035	REP	89-12-028	1-12-930	REP	89-12-028	1-13-155	REP	89-12-028
1-12-040	REP-P	89-09-068	1-12-940	REP-P	89-09-068	1-13-160	REP-P	89-09-068
1-12-040	REP	89-12-028	1-12-940	REP	89-12-028	1-13-160	REP	89-12-028
1-12-045	REP-P	89-09-068	1-12-950	REP-P	89-09-068	1-13-170	REP-P	89-09-068
1-12-045	REP	89-12-028	1-12-950	REP	89-12-028	1-13-170	REP	89-12-028
1-12-050	REP-P	89-09-068	1-13-005	REP-P	89-09-068	1-13-180	REP-P	89-09-068
1-12-050	REP	89-12-028	1-13-005	REP	89-12-028	1-13-180	REP	89-12-028
1-12-060	REP-P	89-09-068	1-13-010	REP-P	89-09-068	1-13-190	REP-P	89-09-068
1-12-060	REP	89-12-028	1-13-010	REP	89-12-028	1-13-190	REP	89-12-028
1-12-070	REP-P	89-09-068	1-13-020	REP-P	89-09-068	1-13-200	REP-P	89-09-068
1-12-070	REP	89-12-028	1-13-020	REP	89-12-028	1-13-200	REP	89-12-028
1-12-080	REP-P	89-09-068	1-13-030	REP-P	89-09-068	1-13-210	REP-P	89-09-068
1-12-080	REP	89-12-028	1-13-030	REP	89-12-028	1-13-210	REP	89-12-028
1-12-090	REP-P	89-09-068	1-13-032	REP-P	89-09-068	1-13-230	REP-P	89-09-068
1-12-090	REP	89-12-028	1-13-032	REP	89-12-028	1-13-230	REP	89-12-028
1-12-100	REP-P	89-09-068	1-13-033	REP-P	89-09-068	1-13-240	REP-P	89-09-068
1-12-100	REP	89-12-028	1-13-033	REP	89-12-028	1-13-240	REP	89-12-028
1-12-110	REP-P	89-09-068	1-13-034	REP-P	89-09-068	1-13-910	REP-P	89-09-068
1-12-110	REP	89-12-028	1-13-034	REP	89-12-028	1-13-910	REP	89-12-028
1-12-120	REP-P	89-09-068	1-13-035	REP-P	89-09-068	1-13-930	REP-P	89-09-068
1-12-120	REP	89-12-028	1-13-035	REP	89-12-028	1-13-930	REP	89-12-028
1-12-125	REP-P	89-09-068	1-13-040	REP-P	89-09-068	1-13-940	REP-P	89-09-068
1-12-125	REP	89-12-028	1-13-040	REP	89-12-028	1-13-940	REP	89-12-028
1-12-130	REP-P	89-09-068	1-13-045	REP-P	89-09-068	1-13-950	REP-P	89-09-068
1-12-130	REP	89-12-028	1-13-045	REP	89-12-028	1-13-950	REP	89-12-028
1-12-140	REP-P	89-09-068	1-13-050	REP-P	89-09-068	1-21-005	NEW-P	89-09-068
1-12-140	REP	89-12-028	1-13-050	REP	89-12-028	1-21-005	NEW	89-12-028
1-12-150	REP-P	89-09-068	1-13-060	REP-P	89-09-068	1-21-010	NEW-P	89-09-068
1-12-150	REP	89-12-028	1-13-060	REP	89-12-028	1-21-010	NEW	89-12-028
1-12-155	REP-P	89-09-068	1-13-070	REP-P	89-09-068	1-21-020	NEW-P	89-09-068
1-12-155	REP	89-12-028	1-13-070	REP	89-12-028	1-21-020	NEW	89-12-028
1-12-160	REP-P	89-09-068	1-13-080	REP-P	89-09-068	1-21-030	NEW-P	89-09-068
1-12-160	REP	89-12-028	1-13-080	REP	89-12-028	1-21-030	NEW	89-12-028
1-12-170	REP-P	89-09-068	1-13-090	REP-P	89-09-068	1-21-040	NEW-P	89-09-068
1-12-170	REP	89-12-028	1-13-090	REP	89-12-028	1-21-040	NEW	89-12-028

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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1-21-050	NEW	89-12-028	10-08-210	AMD	89-13-036	16-228-520	NEW-E	89-09-012
1-21-060	NEW-P	89-09-068	10-08-211	NEW-P	89-10-035	16-228-520	REP-E	89-09-017
1-21-060	NEW	89-12-028	10-08-211	NEW	89-13-036	16-228-521	NEW-E	89-09-017
1-21-070	NEW-P	89-09-068	10-08-215	NEW-P	89-10-035	16-228-610	NEW-E	89-12-002
1-21-070	NEW	89-12-028	10-08-215	NEW	89-13-036	16-228-610	NEW-E	89-18-008
1-21-080	NEW-P	89-09-068	10-08-230	NEW-P	89-10-035	16-228-615	NEW-E	89-12-002
1-21-080	NEW	89-12-028	10-08-230	NEW	89-13-036	16-228-615	NEW-E	89-18-008
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1-21-090	NEW	89-12-028	10-08-250	NEW	89-13-036	16-228-620	NEW-E	89-18-008
1-21-100	NEW-P	89-09-068	10-08-251	NEW-P	89-10-035	16-228-625	NEW-E	89-12-002
1-21-100	NEW	89-12-028	10-08-251	NEW	89-13-036	16-228-625	NEW-E	89-18-008
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1-21-110	NEW	89-12-028	10-08-252	NEW	89-13-036	16-228-630	NEW-E	89-12-046
1-21-120	NEW-P	89-09-068	10-08-260	NEW-P	89-10-035	16-228-660	NEW-E	89-12-046
1-21-120	NEW	89-12-028	10-08-260	NEW	89-13-036	16-228-670	NEW-E	89-12-046
1-21-130	NEW-P	89-09-068	10-08-261	NEW-P	89-10-035	16-230	NEW-C	89-04-056
1-21-130	NEW	89-12-028	10-08-261	NEW	89-13-036	16-230	NEW-C	89-07-051
1-21-140	NEW-P	89-09-068	16-22-040	AMD-P	89-10-065	16-230-800	NEW-P	89-03-065
1-21-140	NEW	89-12-028	16-22-040	AMD	89-14-020	16-230-800	NEW-P	89-11-093
1-21-150	NEW-P	89-09-068	16-30-010	AMD-P	89-02-056	16-230-800	NEW	89-16-073
1-21-150	NEW	89-12-028	16-30-010	AMD	89-06-014	16-230-805	NEW-P	89-03-065
1-21-160	NEW-P	89-09-068	16-30-020	AMD-P	89-02-056	16-230-805	NEW-P	89-11-093
1-21-160	NEW	89-12-028	16-30-020	AMD	89-06-014	16-230-805	NEW	89-16-073
1-21-170	NEW-P	89-09-068	16-30-025	NEW-P	89-02-056	16-230-810	NEW-P	89-03-065
1-21-170	NEW	89-12-028	16-30-025	NEW	89-06-014	16-230-810	NEW-P	89-11-093
4-25-040	AMD	89-03-062	16-30-030	AMD-P	89-02-056	16-230-810	NEW	89-16-073
4-25-040	AMD-P	89-10-012	16-30-030	AMD	89-06-014	16-230-815	NEW-P	89-03-065
4-25-040	AMD	89-19-004	16-30-050	AMD-P	89-02-056	16-230-815	NEW-P	89-11-093
4-25-080	AMD-P	89-10-013	16-30-050	AMD	89-06-014	16-230-815	NEW	89-16-073
4-25-080	AMD-P	89-12-073	16-30-060	AMD-P	89-02-056	16-230-820	NEW-P	89-03-065
4-25-180	REP	89-03-062	16-30-060	AMD	89-06-014	16-230-820	NEW-P	89-11-093
4-25-191	NEW	89-03-062	16-30-070	AMD-P	89-02-056	16-230-820	NEW	89-16-073
10-04-020	AMD-P	89-10-035	16-30-070	AMD	89-06-014	16-230-825	NEW-P	89-03-065
10-04-020	AMD	89-13-036	16-30-090	AMD-P	89-02-056	16-230-825	NEW-P	89-11-093
10-04-060	AMD-P	89-10-035	16-30-090	AMD	89-06-014	16-230-825	NEW	89-16-073
10-04-060	AMD	89-13-036	16-30-100	AMD-P	89-02-056	16-230-830	NEW-P	89-03-065
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10-08-001	NEW	89-13-036	16-59	AMD	89-06-007	16-230-830	NEW	89-16-073
10-08-010	REP-P	89-10-035	16-59-030	AMD	89-06-007	16-230-835	NEW-P	89-11-093
10-08-010	REP	89-13-036	16-212-087	NEW-P	89-08-019	16-230-835	NEW	89-16-073
10-08-020	REP-P	89-10-035	16-212-087	NEW	89-11-092	16-230-840	NEW-P	89-11-093
10-08-020	REP	89-13-036	16-212-110	AMD-P	89-08-019	16-230-840	NEW	89-16-073
10-08-030	REP-P	89-10-035	16-212-110	AMD	89-11-092	16-230-845	NEW-P	89-11-093
10-08-030	REP	89-13-036	16-212-230	AMD-P	89-08-019	16-230-845	NEW	89-16-073
10-08-035	NEW-P	89-10-035	16-212-230	AMD	89-11-092	16-230-850	NEW-P	89-11-093
10-08-035	NEW	89-13-036	16-224-010	AMD-P	89-08-019	16-230-850	NEW	89-16-073
10-08-040	AMD-P	89-10-035	16-224-010	AMD	89-11-092	16-230-855	NEW-P	89-11-093
10-08-040	AMD	89-13-036	16-225-001	REP-P	89-08-019	16-230-855	NEW	89-16-073
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10-08-045	NEW	89-13-036	16-225-010	REP-P	89-08-019	16-230-860	NEW	89-16-073
10-08-050	AMD-P	89-10-035	16-225-010	REP	89-11-092	16-230-865	NEW-P	89-11-093
10-08-050	AMD	89-13-036	16-225-020	REP-P	89-08-019	16-230-865	NEW	89-16-073
10-08-060	REP-P	89-10-035	16-225-020	REP	89-11-092	16-232-405	NEW-E	89-05-004
10-08-060	REP	89-13-036	16-225-030	REP-P	89-08-019	16-232-405	REP-E	89-08-006
10-08-090	AMD-P	89-10-035	16-225-030	REP	89-11-092	16-232-415	NEW-E	89-05-004
10-08-090	AMD	89-13-036	16-225-040	REP-P	89-08-019	16-232-415	REP-E	89-08-006
10-08-110	AMD-P	89-10-035	16-225-040	REP	89-11-092	16-232-425	NEW-E	89-05-004
10-08-110	AMD	89-13-036	16-225-050	REP-P	89-08-019	16-232-425	REP-E	89-08-006
10-08-120	AMD-P	89-10-035	16-225-050	REP	89-11-092	16-232-435	NEW-E	89-05-004
10-08-120	AMD	89-13-036	16-228	AMD-C	89-06-006	16-232-435	REP-E	89-08-006
10-08-130	AMD-P	89-10-035	16-228-117	NEW-P	89-18-081	16-232-440	NEW-E	89-08-006
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10-08-140	AMD-P	89-10-035	16-228-164	NEW	89-07-006	16-232-440	REP-E	89-16-057
10-08-140	AMD	89-13-036	16-228-165	REP	89-07-006	16-232-445	NEW-E	89-05-004
10-08-150	AMD-P	89-10-035	16-228-166	NEW	89-07-006	16-232-445	REP-E	89-08-006
10-08-150	AMD	89-13-036	16-228-400	NEW-E	89-09-012	16-232-450	NEW-E	89-08-006
10-08-160	AMD-P	89-10-035	16-228-410	NEW-E	89-09-012	16-232-450	NEW-E	89-14-016
10-08-160	AMD	89-13-036	16-228-420	NEW-E	89-09-012	16-232-450	REP-E	89-16-057
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10-08-180	AMD	89-13-036	16-228-460	NEW-E	89-09-012	16-232-460	NEW-E	89-14-016
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10-08-200	AMD	89-13-036	16-228-500	NEW-E	89-09-012	16-232-470	NEW-E	89-08-006

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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16-232-480	NEW-E	89-08-006	16-324-680	AMD-P	89-19-064	44-10-130	AMD-P	89-12-030
16-232-480	NEW-E	89-14-016	16-333-050	AMD-P	89-12-063	44-10-130	AMD-E	89-12-031
16-232-480	REP-E	89-16-057	16-333-050	AMD	89-16-051	44-10-130	AMD	89-16-024
16-232-490	NEW-E	89-08-006	16-333-060	AMD-P	89-12-063	44-10-140	AMD-P	89-12-030
16-232-490	NEW-E	89-14-016	16-333-060	AMD	89-16-051	44-10-140	AMD-E	89-12-031
16-232-490	REP-E	89-16-057	16-400-007	AMD-P	89-05-040	44-10-140	AMD	89-16-024
16-232-500	NEW-E	89-16-057	16-400-007	AMD	89-08-040	44-10-150	AMD-P	89-12-030
16-232-505	NEW-E	89-16-057	16-400-010	AMD-P	89-05-040	44-10-150	AMD-E	89-12-031
16-232-510	NEW-E	89-16-057	16-400-010	AMD	89-08-040	44-10-150	AMD	89-16-024
16-232-515	NEW-E	89-16-057	16-400-040	AMD-P	89-05-040	44-10-160	AMD-P	89-12-030
16-232-520	NEW-E	89-16-057	16-400-040	AMD	89-08-040	44-10-160	AMD-E	89-12-031
16-232-525	NEW-E	89-16-057	16-400-050	REP-P	89-05-040	44-10-160	AMD	89-16-024
16-232-530	NEW-E	89-16-057	16-400-050	REP	89-08-040	44-10-170	AMD-P	89-12-030
16-232-535	NEW-E	89-16-057	16-400-100	AMD-P	89-05-040	44-10-170	AMD-E	89-12-031
16-232-540	NEW-E	89-16-057	16-400-100	AMD	89-08-040	44-10-170	AMD	89-16-024
16-232-545	NEW-E	89-16-057	16-400-150	AMD-P	89-05-040	44-10-180	AMD-P	89-12-030
16-232-550	NEW-E	89-16-057	16-400-150	AMD	89-08-040	44-10-180	AMD-E	89-12-031
16-232-555	NEW-E	89-16-057	16-400-210	AMD-P	89-05-040	44-10-180	AMD	89-16-024
16-232-560	NEW-E	89-16-057	16-400-210	AMD	89-08-040	44-10-200	AMD-P	89-12-030
16-232-565	NEW-E	89-16-057	16-400-270	AMD-P	89-05-040	44-10-200	AMD-E	89-12-031
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132D-20-210	REP-P	89-05-012	132D-276-090	NEW	89-11-024	132I-136-120	NEW	89-11-091
132D-20-210	REP-W	89-05-046	132D-276-100	NEW-P	89-07-062	132I-136-130	NEW-P	89-08-015
132D-20-210	REP-P	89-07-070	132D-276-100	NEW	89-11-024	132I-136-130	NEW	89-11-091
132D-20-210	REP	89-11-025	132D-276-110	NEW-P	89-07-062	132I-136-140	NEW-P	89-08-015
132D-20-220	REP-P	89-05-012	132D-276-110	NEW	89-11-024	132I-136-140	NEW	89-11-091
132D-20-220	REP-W	89-05-046	132D-276-120	NEW-P	89-07-062	132I-136-150	NEW-P	89-08-015
132D-20-220	REP-P	89-07-070	132D-276-120	NEW	89-11-024	132I-136-150	NEW	89-11-091
132D-20-220	REP	89-11-025	132D-276-130	NEW-P	89-07-062	132I-136-160	NEW-P	89-08-015
132D-20-230	REP-P	89-05-012	132D-276-130	NEW	89-11-024	132I-136-160	NEW	89-11-091
132D-20-230	REP-W	89-05-046	132D-276-140	NEW-P	89-07-062	132I-136-170	NEW-P	89-08-015
132D-20-230	REP-P	89-07-070	132D-276-140	NEW	89-11-024	132I-136-170	NEW	89-11-091
132D-20-230	REP	89-11-025	132D-280-010	NEW-P	89-07-063	132N-276-070	AMD-P	89-04-035
132D-20-240	REP-P	89-05-012	132D-280-010	NEW	89-11-044	132N-276-070	AMD	89-12-024
132D-20-240	REP-W	89-05-046	132D-280-020	NEW-P	89-07-063	132N-276-080	AMD-P	89-04-035
132D-20-240	REP-P	89-07-070	132D-280-020	NEW	89-11-044	132N-276-080	AMD	89-12-024
132D-20-240	REP	89-11-025	132D-280-025	NEW-P	89-07-063	132N-276-110	AMD-P	89-04-035
132D-20-250	REP-P	89-05-012	132D-280-025	NEW	89-11-044	132N-276-110	AMD	89-12-024
132D-20-250	REP-W	89-05-046	132D-280-030	NEW-P	89-07-063	132N-276-130	AMD-P	89-04-035
132D-20-250	REP-P	89-07-070	132D-280-030	NEW	89-11-044	132N-276-130	AMD	89-12-024
132D-20-250	REP	89-11-025	132D-280-035	NEW-P	89-07-063	132N-276-150	AMD-P	89-04-035
132D-20-260	REP-P	89-05-012	132D-280-035	NEW	89-11-044	132N-276-150	AMD	89-12-024
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132D-20-260	REP	89-11-025	132D-300-010	NEW-P	89-07-058	132Q-04-035	AMD	89-07-068
132D-20-270	REP-P	89-05-012	132D-300-010	NEW	89-11-038	132V-15	NEW-C	89-17-005
132D-20-270	REP-W	89-05-046	132D-300-020	NEW-P	89-07-058	132V-15-010	NEW-P	89-13-072
132D-20-270	REP-P	89-07-070	132D-300-020	NEW	89-11-038	132V-15-020	NEW-P	89-13-072
132D-20-270	REP	89-11-025	132D-300-030	NEW-P	89-07-058	132V-15-030	NEW-P	89-13-072
132D-20-280	REP-P	89-05-012	132D-300-030	NEW	89-11-038	132V-15-040	NEW-P	89-13-072
132D-20-280	REP-W	89-05-046	132D-325-010	NEW-P	89-05-048	132V-15-050	NEW-P	89-13-072
132D-20-280	REP-P	89-07-070	132D-325-010	NEW	89-09-042	132V-15-060	NEW-P	89-13-072
132D-20-280	REP	89-11-025	132D-350-010	NEW-P	89-07-064	132V-15-070	NEW-P	89-13-072
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132D-20-290	REP-W	89-05-046	132D-350-020	NEW-P	89-07-064	132V-15-090	NEW-P	89-13-072
132D-20-290	REP-P	89-07-070	132D-350-020	NEW	89-11-026	132V-15-100	NEW-P	89-13-072
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132Y-310-010	NEW 89-12-056	137-44-230	NEW-P 89-11-029	154-04-040	REP-E 89-11-008
132Y-310-020	NEW-P 89-08-023	137-44-240	NEW-P 89-11-029	154-04-040	REP 89-11-010
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132Y-310-030	NEW 89-12-056	137-56-010	AMD-P 89-02-058	154-04-060	REP 89-11-010
132Y-310-040	NEW-P 89-08-023	137-56-010	AMD-C 89-07-083	154-04-065	NEW-P 89-07-090
132Y-310-040	NEW 89-12-056	137-56-015	AMD-P 89-02-058	154-04-065	NEW-E 89-11-008
132Y-320-010	NEW-P 89-08-022	137-56-015	AMD-C 89-07-083	154-04-065	NEW 89-11-010
132Y-320-010	NEW 89-12-057	137-56-030	AMD-P 89-02-058	154-04-090	REP-P 89-07-090
132Y-320-020	NEW-P 89-08-022	137-56-030	AMD-C 89-07-083	154-04-090	REP-E 89-11-008
132Y-320-020	NEW 89-12-057	137-56-040	AMD-P 89-02-058	154-04-090	REP 89-11-010
132Y-320-030	NEW-P 89-08-022	137-56-040	AMD-C 89-07-083	154-12-010	AMD-P 89-07-090
132Y-320-030	NEW 89-12-057	137-56-050	AMD-P 89-02-058	154-12-010	AMD-E 89-11-008
132Y-320-040	NEW-P 89-08-022	137-56-050	AMD-C 89-07-083	154-12-010	AMD 89-11-010
132Y-320-040	NEW 89-12-057	137-56-060	AMD-P 89-02-058	154-12-010	AMD-P 89-16-100
132Y-320-050	NEW-P 89-08-022	137-56-060	AMD-C 89-07-083	154-12-015	AMD-P 89-16-100
132Y-320-050	NEW 89-12-057	137-56-070	AMD-P 89-02-058	154-12-015	AMD-P 89-07-090
132Y-320-060	NEW-P 89-08-022	137-56-070	AMD-C 89-07-083	154-12-020	AMD-P 89-07-090
132Y-320-060	NEW 89-12-057	137-56-070	AMD-C 89-07-083	154-12-020	AMD-E 89-11-008
132Y-320-070	NEW-P 89-08-022	137-56-080	AMD-P 89-02-058	154-12-020	AMD 89-11-010
132Y-320-070	NEW 89-12-057	137-56-080	AMD-C 89-07-083	154-12-030	AMD-P 89-07-090
132Y-320-080	NEW-P 89-08-022	137-56-090	AMD-P 89-02-058	154-12-030	AMD-E 89-11-008
132Y-320-080	NEW 89-12-057	137-56-095	AMD-C 89-07-083	154-12-030	AMD 89-11-010
132Y-320-090	NEW-P 89-08-022	137-56-095	AMD-P 89-02-058	154-12-040	AMD-P 89-07-090
132Y-320-090	NEW 89-12-057	137-56-100	AMD-C 89-07-083	154-12-040	AMD-E 89-11-008
132Y-320-100	NEW-P 89-08-022	137-56-100	AMD-P 89-02-058	154-12-040	AMD 89-11-010
132Y-320-100	NEW 89-12-057	137-56-110	AMD-C 89-07-083	154-12-050	AMD-P 89-07-090
132Y-320-110	NEW-P 89-08-022	137-56-110	AMD-P 89-02-058	154-12-050	AMD-E 89-11-008
132Y-320-110	NEW 89-12-057	137-56-120	AMD-C 89-07-083	154-12-050	AMD 89-11-010
132Y-320-120	NEW-P 89-08-022	137-56-120	AMD-P 89-02-058	154-12-060	REP-P 89-07-090
132Y-320-120	NEW 89-12-057	137-56-120	AMD-C 89-07-083	154-12-060	REP-E 89-11-008
132Y-320-130	NEW-P 89-08-022	137-56-140	AMD-P 89-02-058	154-12-060	REP 89-11-010
132Y-320-130	NEW 89-12-057	137-56-140	AMD-C 89-07-083	154-12-060	REP 89-11-010
132Y-320-130	NEW 89-12-057	137-56-150	AMD-P 89-02-058	154-12-070	AMD-P 89-07-090
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137-25-030	NEW-E 89-06-010	137-56-190	AMD-P 89-02-058	154-12-080	AMD 89-11-010
137-25-040	NEW-P 89-04-031	137-56-190	AMD-C 89-07-083	154-12-085	NEW-P 89-07-090
137-25-040	NEW-E 89-06-010	137-56-200	AMD-P 89-02-058	154-12-085	NEW-E 89-11-008
137-28-006	AMD 89-04-032	137-56-200	AMD-C 89-07-083	154-12-085	NEW 89-11-010
137-28-025	AMD 89-04-032	137-56-210	AMD-P 89-02-058	154-12-086	NEW-P 89-07-090
137-28-030	AMD 89-04-032	137-56-210	AMD-C 89-07-083	154-12-086	NEW-E 89-11-008
137-28-035	AMD 89-04-032	137-56-220	AMD-P 89-02-058	154-12-086	NEW 89-11-010
137-28-080	AMD 89-04-032	137-56-220	AMD-C 89-07-083	154-12-087	NEW-P 89-07-090
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137-28-097	AMD 89-04-032	137-56-240	AMD-P 89-02-058	154-12-087	NEW 89-11-010
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137-36-030	AMD-E 89-04-029	137-56-250	AMD-C 89-07-083	154-12-090	AMD 89-11-010
137-36-040	AMD-E 89-04-029	137-70-040	AMD-P 89-07-075	154-12-100	REP-P 89-07-090
137-44-010	NEW-P 89-11-029	137-70-040	AMD 89-12-003	154-12-100	REP-E 89-11-008
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154-24-010	AMD	89-11-010	162-08-271	RE-AD-P	89-17-098
154-32-010	AMD-P	89-07-090	162-08-275	REP-P	89-17-098
154-32-010	AMD-E	89-11-008	162-08-278	REP-P	89-17-098
154-32-010	AMD	89-11-010	162-08-282	RE-AD-P	89-17-098
154-32-020	AMD-P	89-07-090	162-08-284	REP-P	89-17-098
154-32-020	AMD-E	89-11-008	162-08-286	RE-AD-P	89-17-098
154-32-020	AMD	89-11-010	162-08-288	RE-AD-P	89-17-098
154-68-020	AMD-P	89-07-090	162-08-291	RE-AD-P	89-17-098
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154-120-015	AMD-E	89-11-009	162-08-296	REP-P	89-17-098
154-120-015	AMD	89-11-011	162-08-298	RE-AD-P	89-17-098
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154-130-030	AMD-P	89-15-061	162-08-305	RE-AD-P	89-17-098
154-140-030	AMD-P	89-15-061	162-08-311	RE-AD-P	89-17-098
162-04-010	AMD-P	89-17-115	162-08-600	RE-AD-P	89-17-098
162-04-020	AMD-P	89-17-115	162-08-610	RE-AD-P	89-17-098
162-04-026	AMD-P	89-17-115	162-08-621	REP-P	89-17-098
162-04-030	AMD-P	89-17-115	162-08-700	RE-AD-P	89-17-098
162-04-035	NEW-P	89-17-115	173-06-030	AMD-E	89-04-013
162-04-040	AMD-P	89-17-115	173-06-030	AMD-P	89-08-078
162-04-050	AMD-P	89-17-115	173-06-030	AMD-E	89-08-079
162-04-060	AMD-P	89-17-115	173-06-030	AMD	89-11-021
162-04-070	AMD-P	89-17-115	173-19-110	AMD-W	89-03-012
162-08-011	RE-AD-P	89-17-098	173-19-130	AMD-P	89-17-152
162-08-013	RE-AD-P	89-17-098	173-19-240	AMD	89-08-012
162-08-015	RE-AD-P	89-17-098	173-19-2401	AMD	89-08-035
162-08-017	RE-AD-P	89-17-098	173-19-2503	AMD-P	89-08-112
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162-08-093	RE-AD-P	89-17-098	173-19-360	AMD	89-09-077
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162-08-096	RE-AD-P	89-17-098	173-19-390	AMD	89-14-130
162-08-097	NEW-P	89-17-098	173-19-3910	AMD-P	89-08-115
162-08-098	RE-AD-P	89-17-098	173-19-3910	AMD	89-14-131
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162-08-114	REP-P	89-17-098	173-19-4507	AMD	89-03-010
162-08-116	REP-P	89-17-098	173-20-700	AMD-W	89-07-025
162-08-121	REP-P	89-17-098	173-50	NEW-C	89-07-032
162-08-131	REP-P	89-17-098	173-50-010	NEW-P	89-04-052
162-08-135	REP-P	89-17-098	173-50-010	NEW	89-10-001
162-08-141	REP-P	89-17-098	173-50-020	NEW-P	89-04-052
162-08-151	REP-P	89-17-098	173-50-020	NEW	89-10-001
162-08-155	REP-P	89-17-098	173-50-030	NEW-P	89-04-052
162-08-161	REP-P	89-17-098	173-50-030	NEW	89-10-001
162-08-171	REP-P	89-17-098	173-50-040	NEW-P	89-04-052
162-08-190	RE-AD-P	89-17-098	173-50-040	NEW	89-10-001
162-08-201	RE-AD-P	89-17-098	173-50-050	NEW-P	89-04-052
162-08-211	RE-AD-P	89-17-098	173-50-050	NEW	89-10-001
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162-08-215	REP-P	89-17-098	173-50-060	NEW	89-10-001
162-08-217	REP-P	89-17-098	173-50-070	NEW-P	89-04-052
162-08-221	RE-AD-P	89-17-098	173-50-070	NEW	89-10-001
162-08-231	RE-AD-P	89-17-098	173-50-080	NEW-P	89-04-052
162-08-241	RE-AD-P	89-17-098	173-50-080	NEW	89-10-001
162-08-251	RE-AD-P	89-17-098	173-50-090	NEW-P	89-04-052
162-08-253	NEW-P	89-17-098	173-50-090	NEW	89-10-001
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173-50-130	NEW	89-10-001			
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192-09-145	REP-P 89-19-079	196-24-085	AMD 89-05-021	204-91A-070	NEW-P 89-10-029
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220-33-01000G	NEW-E	89-17-044	220-47-508	NEW-E	89-18-012	220-55-115	AMD	89-07-071
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220-33-03000A	NEW-E	89-11-050	220-47-510	REP-E	89-18-042	220-55-125	AMD-P	89-03-013
220-33-03000A	REP-E	89-14-021	220-47-511	NEW-E	89-18-042	220-55-125	AMD	89-07-071
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220-36-02100C	NEW-E	89-15-033	220-48-029	AMD-P	89-10-068	220-56-105	AMD-P	89-03-075
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248-08-525	NEW-E	89-14-096	248-16-040	REP	89-09-034	248-18-615	REP-P	89-17-124
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248-08-705	REP-E	89-14-096	248-16-120	REP	89-09-034	248-19-231	NEW-P	89-14-077
248-08-710	REP-E	89-14-096	248-16-121	NEW	89-09-034	248-19-231	NEW-E	89-14-087
248-08-715	REP-E	89-14-096	248-16-130	REP	89-09-034	248-19-231	NEW-P	89-19-043
248-08-720	REP-E	89-14-096	248-16-131	NEW	89-09-034	248-19-231	NEW-E	89-19-044
248-08-725	REP-E	89-14-096	248-16-140	REP	89-09-034	248-19-480	AMD-E	89-14-095
248-08-730	REP-E	89-14-096	248-16-141	NEW	89-09-034	248-21-005	AMD-E	89-14-097
248-08-735	REP-E	89-14-096	248-16-150	AMD	89-09-034	248-21-017	NEW-P	89-17-007
248-08-740	REP-E	89-14-096	248-16-160	AMD	89-09-034	248-22-005	AMD-E	89-14-095
248-08-750	REP-E	89-14-096	248-16-170	AMD	89-09-034	248-22-017	NEW-P	89-17-007
248-08-755	REP-E	89-14-096	248-16-180	AMD	89-09-034	248-23-010	AMD-E	89-14-095
248-08-760	REP-E	89-14-096	248-16-190	AMD	89-09-034	248-23-025	NEW-P	89-17-007
248-08-765	REP-E	89-14-096	248-16-202	AMD	89-09-034	248-25-010	AMD-E	89-14-095
248-08-770	REP-E	89-14-096	248-16-213	AMD	89-09-034	248-25-025	NEW-P	89-17-007
248-08-775	REP-E	89-14-096	248-16-215	AMD	89-09-034	248-26-020	AMD-E	89-14-095
248-08-780	REP-E	89-14-096	248-16-216	NEW	89-09-034	248-26-035	NEW-P	89-17-007
248-08-785	REP-E	89-14-096	248-16-222	AMD	89-09-034	248-27	AMD-P	89-07-023
248-08-790	REP-E	89-14-096	248-16-223	AMD	89-09-034	248-27	AMD	89-12-077
248-08-800	REP-E	89-14-096	248-16-226	AMD	89-09-034	248-27-001	REP-P	89-07-023
248-08-805	REP-E	89-14-096	248-16-227	REP	89-09-034	248-27-001	REP	89-12-077
248-08-810	REP-E	89-14-096	248-16-228	REP	89-09-034	248-27-002	REP-P	89-07-023
248-08-815	REP-E	89-14-096	248-16-229	NEW	89-09-034	248-27-002	REP	89-12-077
248-08-820	REP-E	89-14-096	248-16-230	AMD	89-09-034	248-27-005	NEW-P	89-07-023
248-08-825	REP-E	89-14-096	248-16-235	AMD	89-09-034	248-27-005	NEW	89-12-077
248-08-830	REP-E	89-14-096	248-16-300	NEW	89-09-034	248-27-010	REP-P	89-07-023
248-08-835	REP-E	89-14-096	248-16-900	AMD	89-09-034	248-27-010	REP	89-12-077
248-08-840	REP-E	89-14-096	248-17-020	AMD-P	89-10-069	248-27-015	NEW-P	89-07-023
248-08-845	REP-E	89-14-096	248-17-020	AMD-E	89-10-071	248-27-015	NEW	89-12-077
248-14-001	AMD-P	89-04-054	248-17-020	AMD-E	89-16-070	248-27-020	REP-P	89-07-023
248-14-001	AMD	89-08-054	248-17-020	AMD-P	89-17-128	248-27-020	REP	89-12-077
248-14-001	AMD-P	89-17-129	248-17-060	AMD-E	89-14-095	248-27-025	NEW-P	89-07-023
248-14-010	AMD-P	89-15-051	248-17-213	AMD-P	89-10-069	248-27-025	NEW	89-12-077
248-14-010	AMD	89-18-006	248-17-213	AMD-E	89-10-071	248-27-025	AMD-E	89-15-057
248-14-070	AMD-E	89-14-098	248-17-213	AMD-E	89-16-070	248-27-030	REP-P	89-07-023
248-14-090	AMD-P	89-04-054	248-17-213	AMD-P	89-17-128	248-27-030	REP	89-12-077
248-14-090	AMD	89-08-054	248-17-230	AMD-E	89-14-095	248-27-035	NEW-P	89-07-023
248-14-120	AMD-P	89-19-071	248-17-260	AMD-P	89-10-069	248-27-035	NEW	89-12-077
248-14-211	NEW-P	89-17-129	248-17-260	AMD-E	89-10-071	248-27-035	AMD-E	89-15-057
248-14-235	AMD-P	89-04-054	248-17-260	AMD-E	89-16-070	248-27-040	REP-P	89-07-023
248-14-235	AMD	89-08-054	248-17-260	AMD-P	89-17-128	248-27-040	REP	89-12-077
248-14-247	AMD-P	89-04-054	248-17-261	NEW-E	89-16-070	248-27-045	NEW-P	89-07-023
248-14-247	AMD	89-08-054	248-17-261	NEW-P	89-17-128	248-27-045	NEW	89-12-077
248-14-270	AMD	89-06-050	248-18-001	AMD-P	89-17-124	248-27-045	AMD-E	89-15-057
248-14-285	AMD-P	89-04-054	248-18-015	AMD-E	89-14-095	248-27-050	REP-P	89-07-023
248-14-285	AMD	89-08-054	248-18-035	AMD-P	89-17-006	248-27-050	REP	89-12-077
248-14-297	REP-P	89-15-052	248-18-215	REP-P	89-17-124	248-27-055	NEW-P	89-07-023
248-14-297	REP-C	89-18-054	248-18-216	NEW-P	89-17-124	248-27-055	NEW	89-12-077
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248-14-298	NEW-C	89-18-054	248-18-222	REP-P	89-17-124	248-27-060	REP	89-12-077
248-14-298	NEW	89-19-024	248-18-223	REP-P	89-17-124	248-27-065	NEW-P	89-07-023

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248-27-070	REP-P	89-07-023	248-31-077	NEW	89-12-077	248-52	NEW-C	89-17-131
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248-27-085	NEW-P	89-07-023	248-31-090	REP	89-12-077	248-52-040	NEW-P	89-16-103
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248-27-100	REP-P	89-07-023	248-31-105	NEW	89-12-077	248-54-005	AMD-P	89-14-079
248-27-100	REP	89-12-077	248-31-110	REP-P	89-07-023	248-54-006	NEW-P	89-14-079
248-27-105	NEW-P	89-07-023	248-31-110	REP	89-12-077	248-54-015	AMD-P	89-14-079
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248-27-115	NEW-P	89-07-023	248-31-115	NEW	89-12-077	248-54-035	AMD-P	89-14-079
248-27-115	NEW	89-12-077	248-31-120	REP-P	89-07-023	248-54-045	AMD-P	89-14-079
248-27-120	REP-P	89-07-023	248-31-120	REP	89-12-077	248-54-055	AMD-P	89-14-079
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248-27-125	NEW-P	89-07-023	248-31-125	NEW	89-12-077	248-54-097	AMD-P	89-14-079
248-27-125	NEW	89-12-077	248-31-130	REP-P	89-07-023	248-54-098	NEW-P	89-14-079
248-27-135	NEW-P	89-07-023	248-31-130	REP	89-12-077	248-54-165	AMD-P	89-14-079
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248-27-145	NEW-P	89-07-023	248-31-135	NEW	89-12-077	248-54-185	AMD-P	89-14-079
248-27-145	NEW	89-12-077	248-31-140	REP-P	89-07-023	248-54-187	NEW-P	89-14-079
248-27-155	NEW-P	89-07-023	248-31-140	REP	89-12-077	248-54-196	AMD-P	89-14-079
248-27-155	NEW	89-12-077	248-31-150	REP-P	89-07-023	248-54-201	AMD-P	89-14-079
248-27-165	NEW-P	89-07-023	248-31-150	REP	89-12-077	248-54-255	REP-P	89-14-079
248-27-165	NEW	89-12-077	248-31-155	NEW-P	89-07-023	248-54-265	AMD-P	89-14-079
248-27-175	NEW-P	89-07-023	248-31-155	NEW	89-12-077	248-54-285	AMD-P	89-14-079
248-27-175	NEW	89-12-077	248-31-160	REP-P	89-07-023	248-55-220	AMD-E	89-14-095
248-27-185	NEW-P	89-07-023	248-31-160	REP	89-12-077	248-55-230	REP-E	89-14-095
248-27-185	NEW	89-12-077	248-31-165	NEW-P	89-07-023	248-55-235	NEW-E	89-14-095
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248-31	AMD-P	89-07-023	248-31-175	NEW	89-12-077	248-55-260	REP-E	89-14-095
248-31	AMD	89-12-077	248-31-185	NEW-P	89-07-023	248-56-500	AMD-P	89-11-055
248-31-001	REP-P	89-07-023	248-31-185	NEW	89-12-077	248-56-500	AMD	89-16-065
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248-31-002	REP-P	89-07-023	248-33-060	REP-P	89-14-097	248-57-500	AMD-P	89-11-055
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248-31-005	NEW-P	89-07-023	248-33-090	NEW-P	89-17-007	248-58-085	NEW-E	89-14-097
248-31-005	NEW	89-12-077	248-36-005	NEW-P	89-07-023	248-59-030	AMD-E	89-14-095
248-31-010	REP-P	89-07-023	248-36-005	NEW	89-12-077	248-59-040	REP-E	89-14-095
248-31-010	REP	89-12-077	248-36-015	NEW-P	89-07-023	248-59-050	REP-E	89-14-095
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248-31-020	REP-P	89-07-023	248-36-025	NEW	89-12-077	248-59-080	REP-E	89-14-095
248-31-020	REP	89-12-077	248-36-025	AMD-E	89-15-057	248-64-240	AMD-P	89-16-104
248-31-025	NEW-P	89-07-023	248-36-035	NEW-P	89-07-023	248-64-240	AMD-C	89-17-132
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248-31-030	REP-P	89-07-023	248-36-045	NEW-P	89-07-023	248-91-060	AMD-E	89-14-095
248-31-030	REP	89-12-077	248-36-045	NEW	89-12-077	248-96	AMD-C	89-17-055
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248-31-035	AMD-E	89-15-057	248-36-055	NEW	89-12-077	248-96-046	AMD-P	89-14-126
248-31-040	REP-P	89-07-023	248-36-055	AMD-E	89-15-057	248-96-060	AMD-P	89-14-126
248-31-040	REP	89-12-077	248-36-065	NEW-P	89-07-023	248-96-110	AMD-P	89-14-126
248-31-045	NEW-P	89-07-023	248-36-065	NEW	89-12-077	248-96-120	NEW-P	89-14-126
248-31-045	NEW	89-12-077	248-36-077	NEW-P	89-07-023	248-96-125	NEW-P	89-14-126
248-31-045	AMD-E	89-15-057	248-36-077	NEW	89-12-077	248-97-130	AMD-E	89-14-097
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248-31-050	REP	89-12-077	248-36-085	NEW	89-12-077	248-100-011	AMD-P	89-04-055
248-31-055	NEW-P	89-07-023	248-36-095	NEW-P	89-07-023	248-100-011	AMD	89-07-095
248-31-055	NEW	89-12-077	248-36-095	NEW	89-12-077	248-100-206	AMD-P	89-04-055
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248-31-060	REP-P	89-07-023	248-36-105	NEW	89-12-077	248-100-207	AMD-P	89-10-021
248-31-060	REP	89-12-077	248-36-115	NEW-P	89-07-023	248-100-207	AMD-E	89-10-022
248-31-065	NEW-P	89-07-023	248-36-115	NEW	89-12-077	248-100-207	AMD	89-14-003
248-31-065	NEW	89-12-077	248-36-125	NEW-P	89-07-023	248-100-207	AMD-E	89-16-026
248-31-070	REP-P	89-07-023	248-36-125	NEW	89-12-077	248-100-207	AMD-P	89-16-059
248-31-070	REP	89-12-077	248-36-135	NEW-P	89-07-023	248-100-207	AMD-C	89-17-133
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248-31-075	REP	89-12-077	248-36-165	NEW-P	89-07-023	248-105-020	AMD-P	89-13-079

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248-105-040	REP-P	89-13-079	248-144-151	NEW	89-11-058	251-04-040	AMD-C	89-09-061
248-105-050	REP-P	89-13-079	248-144-160	REP-P	89-08-098	251-04-040	AMD-P	89-09-063
248-105-060	REP-P	89-13-079	248-144-160	REP	89-11-058	251-04-040	AMD	89-13-074
248-105-070	AMD-P	89-13-079	248-144-161	NEW-P	89-08-098	251-04-040	AMD-E	89-19-017
248-105-080	AMD-P	89-13-079	248-144-161	NEW	89-11-058	251-04-105	RE-AD-E	89-17-009
248-105-090	AMD-P	89-13-079	248-144-170	REP-P	89-08-098	251-04-105	RE-AD-P	89-17-120
248-105-100	AMD-P	89-13-079	248-144-170	REP	89-11-058	251-04-110	RE-AD-E	89-17-009
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248-124-99001	REP	89-10-023	248-144-180	REP	89-11-058	251-07-100	NEW-W	89-09-060
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248-124-99002	REP	89-10-023	248-144-181	NEW	89-11-058	251-07-100	NEW	89-13-074
248-124-99003	REP-P	89-06-047	248-144-190	REP-P	89-08-098	251-08-110	AMD-C	89-05-043
248-124-99003	REP	89-10-023	248-144-190	REP	89-11-058	251-08-110	AMD	89-08-003
248-124-99004	REP-P	89-06-047	248-144-191	NEW-P	89-08-098	251-10	AMD	89-08-003
248-124-99004	REP	89-10-023	248-144-191	NEW	89-11-058	251-10-070	NEW-C	89-05-043
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248-140-215	NEW-P	89-17-007	248-144-200	REP	89-11-058	251-10-080	NEW-C	89-05-043
248-144-010	AMD-P	89-08-098	248-144-201	NEW-P	89-08-098	251-10-080	NEW	89-08-003
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248-144-020	AMD-P	89-08-098	248-144-210	REP-P	89-08-098	251-10-090	NEW	89-08-003
248-144-020	AMD	89-11-058	248-144-210	REP	89-11-058	251-11-100	AMD-C	89-05-043
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248-144-030	REP	89-11-058	248-144-211	NEW	89-11-058	251-12-073	RE-AD-E	89-17-009
248-144-031	NEW-P	89-08-098	248-144-220	REP-P	89-08-098	251-12-073	RE-AD-P	89-17-120
248-144-031	NEW	89-11-058	248-144-220	REP	89-11-058	251-12-075	AMD-C	89-05-043
248-144-031	AMD-E	89-14-097	248-144-230	REP-P	89-08-098	251-12-075	AMD	89-08-003
248-144-035	REP-P	89-08-098	248-144-230	REP	89-11-058	251-12-075	RE-AD-E	89-17-009
248-144-035	REP	89-11-058	248-144-240	REP-P	89-08-098	251-12-075	RE-AD-P	89-17-120
248-144-040	REP-P	89-08-098	248-144-240	REP	89-11-058	251-12-076	RE-AD-E	89-17-009
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248-144-041	NEW-P	89-08-098	248-320-350	NEW-E	89-14-096	251-12-080	RE-AD-E	89-17-009
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248-144-050	REP-P	89-08-098	248-320-370	NEW-E	89-14-096	251-12-085	AMD-E	89-17-009
248-144-050	REP	89-11-058	248-320-400	NEW-E	89-14-096	251-12-085	AMD-P	89-17-120
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248-144-110	REP	89-11-058	251-01-077	NEW-C	89-09-061	251-12-200	RE-AD-E	89-17-009
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296-62-3112	NEW-P	89-14-124	296-125-030	AMD-E	89-16-023	296-127-040	AMD-C	89-19-068
296-62-3120	AMD-P	89-14-124	296-125-030	AMD-P	89-16-087	296-127-045	AMD-P	89-12-051
296-62-3130	AMD-P	89-14-124	296-125-043	AMD-C	89-06-035	296-127-045	AMD-C	89-17-083
296-62-3138	NEW-P	89-14-124	296-125-043	AMD-C	89-08-058	296-127-045	AMD-C	89-19-068
296-62-3140	AMD-P	89-06-058	296-125-043	AMD-C	89-09-007	296-128-011	NEW-P	89-15-060
296-62-3140	AMD-P	89-14-124	296-125-043	AMD	89-10-014	296-128-011	NEW-E	89-16-085
296-62-3150	REP-P	89-14-124	296-125-110	NEW-E	89-16-023	296-128-012	NEW-P	89-15-060
296-62-3152	AMD-P	89-14-124	296-125-110	NEW-P	89-16-087	296-128-012	NEW-E	89-16-085
296-62-3160	AMD-P	89-14-124	296-125-115	NEW-E	89-16-023	296-128-025	AMD-P	89-16-089
296-62-3170	AMD-P	89-14-124	296-125-115	NEW-P	89-16-087	296-128-035	NEW-P	89-16-089
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296-131-010	NEW-P	89-16-088	296-155-697	NEW	89-11-035	308-31-055	AMD-P	89-14-103
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296-131-017	NEW-E	89-16-022	296-155-750	REP-P	89-06-058	308-34-020	REP	89-02-051
296-131-017	NEW-P	89-16-088	296-155-750	REP	89-11-035	308-34-030	REP	89-02-051
296-134-001	NEW-P	89-18-090	296-303-02007	AMD-P	89-06-058	308-34-040	REP	89-02-051
296-134-001	NEW-E	89-18-091	296-303-02007	AMD	89-11-035	308-34-050	REP	89-02-051
296-134-010	NEW-P	89-18-090	296-303-040	AMD-P	89-06-058	308-34-060	REP	89-02-051
296-134-010	NEW-E	89-18-091	296-303-040	AMD	89-11-035	308-34-070	REP	89-02-051
296-134-030	NEW-P	89-18-090	296-304-010	AMD-P	89-06-058	308-34-080	REP	89-02-051
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296-134-050	NEW-P	89-18-090	296-306	AMD-P	89-06-058	308-34-330	NEW	89-02-051
296-134-050	NEW-E	89-18-091	296-306	AMD	89-11-035	308-34-410	NEW	89-02-051
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296-134-060	NEW-E	89-18-091	296-306-010	AMD	89-11-035	308-34-430	NEW	89-02-051
296-134-070	NEW-P	89-18-090	296-306-165	AMD-P	89-06-058	308-34-440	NEW	89-02-051
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296-134-090	NEW-E	89-18-091	296-306-200	AMD	89-11-035	308-34-470	NEW	89-02-051
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296-155-305	AMD	89-11-035	308-12-031	AMD	89-17-038	308-40-106	NEW	89-13-052
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296-155-36313	AMD	89-11-035	308-12-040	AMD	89-12-052	308-40-140	NEW	89-11-053
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296-155-48529	AMD	89-11-035	308-25-080	NEW-P	89-10-077	308-42-120	AMD-P	89-17-096
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296-155-510	AMD-P	89-06-058	308-25-100	NEW	89-14-092	308-42-145	AMD	89-19-007
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296-155-680	AMD	89-11-035	308-25-130	NEW-P	89-10-077	308-49-130	AMD-P	89-18-084
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296-155-690	AMD	89-11-035	308-26-105	NEW-P	89-10-077	308-51-240	NEW-P	89-10-077
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308-51-310	NEW	89-14-092	308-55-095	NEW	89-14-092	308-100-080	REP	89-18-003
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308-52-265	NEW-P	89-09-067	308-56A-610	NEW-E	89-16-075	308-100-130	NEW	89-18-003
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308-52-405	AMD-P	89-09-067	308-56A-620	NEW-P	89-11-019	308-100-140	NEW	89-18-003
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308-122-211	NEW	89-11-054	308-138A-070	NEW-P	89-13-051	308-180-340	NEW	89-14-092
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308-122-370	AMD-P	89-14-090	308-150-014	AMD-P	89-06-073	308-180-360	NEW-P	89-10-077
308-122-370	AMD	89-19-053	308-150-014	AMD	89-10-076	308-180-360	NEW	89-14-092
308-122-380	AMD-P	89-14-090	308-154-085	NEW-P	89-06-073	308-180-370	NEW-P	89-10-077
308-122-380	AMD	89-19-053	308-154-085	NEW	89-10-076	308-180-370	NEW	89-14-092
308-122-390	AMD-P	89-14-090	308-156-200	NEW-P	89-06-073	308-183-010	NEW-P	89-10-077
308-122-390	AMD	89-19-053	308-156-200	NEW	89-10-076	308-183-010	NEW	89-14-092
308-122-400	AMD-P	89-14-090	308-173-010	NEW-P	89-10-077	308-183-020	NEW-P	89-10-077
308-122-400	AMD	89-19-053	308-173-010	NEW	89-14-092	308-183-020	NEW	89-14-092
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308-122-410	AMD	89-19-053	308-173-020	NEW	89-14-092	308-183-030	NEW	89-14-092
308-122-420	AMD-P	89-14-090	308-173-070	NEW-P	89-10-077	308-183-040	NEW-P	89-10-077
308-122-420	AMD	89-19-053	308-173-070	NEW	89-14-092	308-183-040	NEW	89-14-092
308-122-430	AMD-P	89-14-090	308-173-080	NEW-P	89-10-077	308-183-050	NEW-P	89-10-077
308-122-430	AMD	89-19-053	308-173-080	NEW	89-14-092	308-183-050	NEW	89-14-092
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308-122-500	AMD	89-19-053	308-177-020	NEW	89-14-092	308-183-080	NEW	89-14-092
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308-122-580	NEW-P	89-14-090	308-177-110	NEW	89-03-035	308-190-090	NEW-P	89-10-077
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308-124A-025	AMD	89-08-009	308-177-115	NEW-E	89-14-009	308-190-110	NEW-P	89-10-077
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308-124A-460	AMD	89-08-009	308-177-120	NEW	89-03-035	308-190-120	NEW	89-14-092
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392-191-060	NEW-E	89-18-044	392-202-110	AMD	89-19-032	440-44-042	NEW-E	89-14-061
392-191-060	NEW-P	89-19-080	392-202-115	AMD-P	89-16-014	440-44-042	NEW-P	89-17-026
392-191-065	NEW-E	89-18-044	392-202-115	AMD	89-19-032	440-44-042	NEW-E	89-17-027
392-191-065	NEW-P	89-19-080	399-30-020	AMD-P	89-02-057	440-44-043	NEW-P	89-12-076
392-191-070	NEW-E	89-18-044	399-30-020	AMD-C	89-06-057	440-44-043	NEW-E	89-14-061
392-191-070	NEW-P	89-19-080	399-30-020	AMD	89-10-041	440-44-043	NEW	89-16-064
392-191-075	NEW-E	89-18-044	399-30-045	NEW-P	89-02-057	440-44-050	AMD-P	89-12-076
392-191-075	NEW-P	89-19-080	399-30-045	NEW-C	89-06-057	440-44-050	AMD-E	89-14-061
392-191-080	NEW-E	89-18-044	399-30-045	NEW	89-10-041	440-44-050	AMD	89-16-064
392-191-080	NEW-P	89-19-080	399-30-050	AMD-P	89-02-057	446-20-285	AMD-E	89-14-038
392-191-085	NEW-E	89-18-044	399-30-050	AMD-C	89-06-057	446-20-285	AMD-P	89-19-045
392-191-085	NEW-P	89-19-080	399-30-050	AMD	89-10-041	446-20-285	AMD-E	89-19-046
392-191-090	NEW-E	89-18-044	399-30-060	AMD-P	89-02-057	446-40-020	AMD-E	89-10-011
392-191-090	NEW-P	89-19-080	399-30-065	NEW-P	89-06-057	446-40-020	AMD	89-10-015
392-191-095	NEW-E	89-18-044	399-30-065	NEW	89-10-041	446-40-025	NEW-E	89-10-011
392-191-095	NEW-P	89-19-080	419-64-010	NEW	89-04-050	446-40-025	NEW	89-10-015
392-196-011	AMD-P	89-16-013	419-64-020	NEW	89-04-050	456-08-001	REP-P	89-06-062
392-196-011	AMD-E	89-16-017	419-64-030	NEW	89-04-050	456-08-001	REP	89-10-055
392-196-015	AMD-P	89-16-013	419-64-040	NEW	89-04-050	456-08-002	REP-P	89-06-062
392-196-015	AMD-E	89-16-017	419-64-050	NEW	89-04-050	456-08-002	REP	89-10-055
392-196-020	AMD-P	89-16-013	419-64-060	NEW	89-04-050	456-08-003	REP-P	89-06-062
392-196-020	AMD-E	89-16-017	419-64-070	NEW	89-04-050	456-08-003	REP-E	89-07-031
392-196-025	AMD-P	89-16-013	419-64-080	NEW	89-04-050	456-08-003	REP	89-10-055
392-196-025	AMD-E	89-16-017	419-64-090	NEW	89-04-050	456-08-004	REP-P	89-06-062
392-196-030	AMD-P	89-16-013	419-70-010	NEW-P	89-11-094	456-08-004	REP-E	89-07-031
392-196-030	AMD-E	89-16-017	419-70-010	NEW	89-16-083	456-08-004	REP	89-10-055
392-196-035	AMD-P	89-16-013	419-70-020	NEW-P	89-11-094	456-08-005	REP-P	89-06-062

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
456-09-750	NEW-P	89-06-063	456-10-360	NEW-P	89-06-064	456-12-090	NEW	89-10-058
456-09-750	NEW	89-10-056	456-10-360	NEW	89-10-057	456-12-100	NEW-P	89-06-065
456-09-755	NEW-P	89-06-063	456-10-410	NEW-P	89-06-064	456-12-100	NEW	89-10-058
456-09-755	NEW	89-10-056	456-10-410	NEW	89-10-057	456-12-110	NEW-P	89-06-065
456-09-760	NEW-P	89-06-063	456-10-420	NEW-P	89-06-064	456-12-110	NEW	89-10-058
456-09-760	NEW	89-10-056	456-10-420	NEW	89-10-057	456-12-120	NEW-P	89-06-065
456-09-765	NEW-P	89-06-063	456-10-430	NEW-P	89-06-064	456-12-120	NEW	89-10-058
456-09-765	NEW	89-10-056	456-10-430	NEW	89-10-057	456-12-130	NEW-P	89-06-065
456-09-770	NEW-P	89-06-063	456-10-440	NEW-P	89-06-064	456-12-130	NEW	89-10-058
456-09-770	NEW	89-10-056	456-10-440	NEW	89-10-057	456-12-140	NEW-P	89-06-065
456-09-775	NEW-P	89-06-063	456-10-505	NEW-P	89-06-064	456-12-140	NEW	89-10-058
456-09-775	NEW	89-10-056	456-10-505	NEW	89-10-057	458-14-005	NEW-P	89-07-087
456-09-910	NEW-P	89-06-063	456-10-510	NEW-P	89-06-064	458-14-009	NEW-P	89-07-087
456-09-910	NEW	89-10-056	456-10-510	NEW	89-10-057	458-14-010	REP-P	89-07-087
456-09-915	NEW-P	89-06-063	456-10-515	NEW-P	89-06-064	458-14-014	NEW-P	89-07-087
456-09-915	NEW	89-10-056	456-10-515	NEW	89-10-057	458-14-015	NEW-P	89-07-087
456-09-920	NEW-P	89-06-063	456-10-520	NEW-P	89-06-064	458-14-016	NEW-P	89-07-087
456-09-920	NEW	89-10-056	456-10-520	NEW	89-10-057	458-14-017	NEW-P	89-07-087
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456-09-925	NEW	89-10-056	456-10-525	NEW	89-10-057	458-14-020	REP-P	89-07-087
456-09-930	NEW-P	89-06-063	456-10-530	NEW-P	89-06-064	458-14-021	NEW-P	89-07-087
456-09-930	NEW	89-10-056	456-10-530	NEW	89-10-057	458-14-023	NEW-P	89-07-087
456-09-935	NEW-P	89-06-063	456-10-535	NEW-P	89-06-064	458-14-025	NEW-P	89-07-087
456-09-935	NEW	89-10-056	456-10-535	NEW	89-10-057	458-14-027	NEW-P	89-07-087
456-09-940	NEW-P	89-06-063	456-10-540	NEW-P	89-06-064	458-14-029	NEW-P	89-07-087
456-09-940	NEW	89-10-056	456-10-540	NEW	89-10-057	458-14-030	REP-P	89-07-087
456-09-945	NEW-P	89-06-063	456-10-545	NEW-P	89-06-064	458-14-031	NEW-P	89-07-087
456-09-945	NEW	89-10-056	456-10-545	NEW	89-10-057	458-14-040	REP-P	89-07-087
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456-09-950	NEW	89-10-056	456-10-550	NEW	89-10-057	458-14-045	REP-P	89-07-087
456-09-955	NEW-P	89-06-063	456-10-555	NEW-P	89-06-064	458-14-050	REP-P	89-07-087
456-09-955	NEW	89-10-056	456-10-555	NEW	89-10-057	458-14-052	REP-P	89-07-087
456-09-970	NEW-P	89-06-063	456-10-560	NEW-P	89-06-064	458-14-055	REP-P	89-07-087
456-09-970	NEW	89-10-056	456-10-560	NEW	89-10-057	458-14-060	REP-P	89-07-087
456-10-010	NEW-P	89-06-064	456-10-565	NEW-P	89-06-064	458-14-062	REP-P	89-07-087
456-10-010	NEW	89-10-057	456-10-565	NEW	89-10-057	458-14-065	REP-P	89-07-087
456-10-110	NEW-P	89-06-064	456-10-570	NEW-P	89-06-064	458-14-070	REP-P	89-07-087
456-10-110	NEW	89-10-057	456-10-570	NEW	89-10-057	458-14-075	REP-P	89-07-087
456-10-120	NEW-P	89-06-064	456-10-710	NEW-P	89-06-064	458-14-080	REP-P	89-07-087
456-10-120	NEW	89-10-057	456-10-710	NEW	89-10-057	458-14-085	REP-P	89-07-087
456-10-130	NEW-P	89-06-064	456-10-715	NEW-P	89-06-064	458-14-086	REP-P	89-07-087
456-10-130	NEW	89-10-057	456-10-715	NEW	89-10-057	458-14-090	REP-P	89-07-087
456-10-140	NEW-P	89-06-064	456-10-720	NEW-P	89-06-064	458-14-091	REP-P	89-07-087
456-10-140	NEW	89-10-057	456-10-720	NEW	89-10-057	458-14-092	REP-P	89-07-087
456-10-150	NEW-P	89-06-064	456-10-725	NEW-P	89-06-064	458-14-094	REP-P	89-07-087
456-10-150	NEW	89-10-057	456-10-725	NEW	89-10-057	458-14-098	REP-P	89-07-087
456-10-160	NEW-P	89-06-064	456-10-730	NEW-P	89-06-064	458-14-100	REP-P	89-07-087
456-10-160	NEW	89-10-057	456-10-730	NEW	89-10-057	458-14-110	REP-P	89-07-087
456-10-170	NEW-P	89-06-064	456-10-735	NEW-P	89-06-064	458-14-115	REP-P	89-07-087
456-10-170	NEW	89-10-057	456-10-735	NEW	89-10-057	458-14-120	REP-P	89-07-087
456-10-180	NEW-P	89-06-064	456-10-740	NEW-P	89-06-064	458-14-121	REP-P	89-07-087
456-10-180	NEW	89-10-057	456-10-740	NEW	89-10-057	458-14-122	REP-P	89-07-087
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456-10-210	NEW	89-10-057	456-10-745	NEW	89-10-057	458-14-126	REP-P	89-07-087
456-10-220	NEW-P	89-06-064	456-10-750	NEW-P	89-06-064	458-14-130	REP-P	89-07-087
456-10-220	NEW	89-10-057	456-10-750	NEW	89-10-057	458-14-135	REP-P	89-07-087
456-10-230	NEW-P	89-06-064	456-10-755	NEW-P	89-06-064	458-14-140	REP-P	89-07-087
456-10-230	NEW	89-10-057	456-10-755	NEW	89-10-057	458-14-145	REP-P	89-07-087
456-10-310	NEW-P	89-06-064	456-10-970	NEW-P	89-06-064	458-14-150	REP-P	89-07-087
456-10-310	NEW	89-10-057	456-10-970	NEW	89-10-057	458-14-152	REP-P	89-07-087
456-10-315	NEW-P	89-06-064	456-12-010	NEW-P	89-06-065	458-14-155	REP-P	89-07-087
456-10-315	NEW	89-10-057	456-12-010	NEW	89-10-058	458-14-160	NEW-P	89-07-087
456-10-320	NEW-P	89-06-064	456-12-020	NEW-P	89-06-065	458-16-115	NEW-P	89-05-052
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456-10-325	NEW	89-10-057	456-12-030	NEW	89-10-058	458-16-115	NEW-P	89-09-074
456-10-330	NEW-P	89-06-064	456-12-040	NEW-P	89-06-065	458-16-115	NEW	89-12-013
456-10-330	NEW	89-10-057	456-12-040	NEW	89-10-058	458-18-220	AMD	89-10-067
456-10-335	NEW-P	89-06-064	456-12-050	NEW-P	89-06-065	458-19-005	NEW-P	89-18-092
456-10-335	NEW	89-10-057	456-12-050	NEW	89-10-058	458-19-005	NEW-W	89-18-024
456-10-340	NEW-P	89-06-064	456-12-060	NEW-P	89-06-065	458-19-010	NEW-W	89-18-024
456-10-340	NEW	89-10-057	456-12-060	NEW	89-10-058	458-19-015	NEW-W	89-18-024
456-10-345	NEW-P	89-06-064	456-12-070	NEW-P	89-06-065	458-19-020	NEW-W	89-18-024
456-10-345	NEW	89-10-057	456-12-070	NEW	89-10-058	458-19-025	NEW-W	89-18-024
456-10-350	NEW-P	89-06-064	456-12-080	NEW-P	89-06-065	458-19-030	NEW-W	89-18-024
456-10-355	NEW-P	89-06-064	456-12-080	NEW	89-10-058	458-19-040	NEW-W	89-18-024
456-10-355	NEW	89-10-057	456-12-090	NEW-P	89-06-065	458-19-045	NEW-P	89-18-092

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458-19-050	NEW-P	89-18-092	460-33A-010	AMD	89-17-078	468-16-010	NEW-P	89-07-034
458-19-055	NEW-P	89-18-092	460-33A-015	AMD-P	89-13-068	468-16-010	NEW-W	89-08-064
458-19-055	NEW-W	89-18-024	460-33A-015	AMD	89-17-078	468-16-010	NEW-P	89-16-086
458-19-060	NEW-P	89-18-092	460-33A-017	AMD-P	89-13-068	468-16-010	NEW-W	89-19-013
458-19-060	NEW-W	89-18-024	460-33A-017	AMD	89-17-078	468-16-020	NEW-P	89-07-034
458-19-065	NEW-W	89-18-024	460-33A-031	AMD-P	89-13-068	468-16-020	NEW-W	89-08-064
458-19-095	NEW-P	89-18-092	460-33A-031	AMD	89-17-078	468-16-020	NEW-P	89-16-086
458-19-095	NEW-W	89-18-024	460-33A-055	AMD-P	89-13-068	468-16-020	NEW-W	89-19-013
458-19-100	NEW-P	89-18-092	460-33A-055	AMD	89-17-078	468-16-030	NEW-P	89-07-034
458-19-100	NEW-W	89-18-024	460-33A-065	AMD-P	89-13-068	468-16-030	NEW-W	89-08-064
458-19-105	NEW-P	89-18-092	460-33A-065	AMD	89-17-078	468-16-030	NEW-P	89-16-086
458-19-110	NEW-P	89-18-092	460-33A-080	AMD-P	89-13-068	468-16-030	NEW-W	89-19-013
458-19-110	NEW-W	89-18-024	460-33A-080	AMD	89-17-078	468-16-040	NEW-P	89-07-034
458-20-105	AMD-P	89-13-043	460-33A-085	AMD-P	89-13-068	468-16-040	NEW-W	89-08-064
458-20-105	AMD	89-16-080	460-33A-085	AMD	89-17-078	468-16-040	NEW-P	89-16-086
458-20-127	AMD-P	89-17-063	460-33A-105	AMD-P	89-13-068	468-16-040	NEW-W	89-19-013
458-20-193B	AMD-C	89-02-052	460-33A-105	AMD	89-17-078	468-16-050	NEW-P	89-07-034
458-20-193B	AMD	89-06-015	460-42A-020	REP-P	89-13-069	468-16-050	NEW-W	89-08-064
458-20-221	AMD-C	89-02-052	460-42A-020	AMD-C	89-17-075	468-16-050	NEW-P	89-16-086
458-20-221	AMD	89-06-016	460-42A-030	NEW-P	89-13-069	468-16-050	NEW-W	89-19-013
458-20-250	AMD-P	89-13-087	460-42A-030	NEW	89-17-080	468-16-060	NEW-P	89-07-034
458-20-250	AMD-E	89-13-089	460-42A-081	AMD-P	89-13-066	468-16-060	NEW-W	89-08-064
458-20-250	AMD	89-16-090	460-44A-500	AMD-C	89-17-074	468-16-060	NEW-P	89-16-086
458-20-252	AMD-C	89-04-042	460-44A-500	AMD-P	89-13-070	468-16-060	NEW-W	89-19-013
458-20-252	AMD-E	89-06-005	460-44A-500	AMD	89-17-076	468-16-070	NEW-P	89-07-034
458-20-252	AMD-W	89-07-084	460-44A-501	AMD-P	89-13-070	468-16-070	NEW-W	89-08-064
458-20-252	AMD-P	89-07-085	460-44A-501	AMD	89-17-076	468-16-070	NEW-P	89-16-086
458-20-252	AMD	89-10-051	460-44A-502	AMD-P	89-13-070	468-16-070	NEW-W	89-19-013
458-20-252	AMD-E	89-10-052	460-44A-502	AMD	89-17-076	468-16-080	NEW-P	89-07-034
458-20-252	AMD-P	89-13-086	460-44A-503	AMD-P	89-13-070	468-16-080	NEW-W	89-16-086
458-20-252	AMD-E	89-13-088	460-44A-503	AMD	89-17-076	468-16-080	NEW-P	89-08-064
458-20-252	AMD	89-16-091	460-44A-505	AMD-P	89-13-070	468-16-080	NEW-W	89-19-013
458-20-253	AMD-P	89-17-064	460-44A-505	AMD	89-17-076	468-16-090	NEW-P	89-07-034
458-20-254	NEW-P	89-08-089	460-44A-506	AMD-P	89-13-070	468-16-090	NEW-W	89-08-064
458-20-254	NEW	89-11-040	460-44A-506	AMD	89-17-076	468-16-090	NEW-P	89-16-086
458-20-255	NEW-P	89-13-041	460-44A-508	NEW-P	89-13-070	468-16-090	NEW-W	89-19-013
458-20-255	NEW-E	89-13-042	460-44A-508	NEW	89-17-076	468-16-100	NEW-P	89-07-034
458-20-255	NEW	89-17-001	460-46A-010	AMD-P	89-03-044	468-16-100	NEW-W	89-08-064
458-30-260	AMD	89-05-009	460-46A-010	AMD	89-07-042	468-16-100	NEW-P	89-16-086
458-30-261	NEW	89-05-008	460-46A-050	AMD-P	89-03-044	468-16-100	NEW-W	89-19-013
458-30-590	AMD	89-05-010	460-46A-050	AMD	89-07-042	468-16-110	NEW-P	89-07-034
458-40-660	AMD-P	89-10-061	460-46A-060	REP-P	89-03-044	468-16-110	NEW-W	89-08-064
458-40-660	AMD-E	89-14-050	460-46A-060	REP	89-07-042	468-16-110	NEW-P	89-16-086
458-40-660	AMD	89-14-051	460-46A-070	REP-P	89-03-044	468-16-110	NEW-W	89-19-013
458-40-670	AMD-P	89-10-061	460-46A-070	REP	89-07-042	468-16-120	NEW-P	89-07-034
458-40-670	AMD-E	89-14-050	460-46A-080	REP-P	89-03-044	468-16-120	NEW-W	89-08-064
458-40-670	AMD	89-14-051	460-46A-080	REP	89-07-042	468-16-120	NEW-P	89-16-086
458-53-020	AMD-P	89-05-053	460-46A-085	REP-P	89-03-044	468-16-120	NEW-W	89-19-013
458-53-020	AMD	89-09-021	460-46A-085	REP	89-07-042	468-16-130	NEW-P	89-07-034
458-53-030	AMD-P	89-05-053	460-46A-090	AMD-P	89-03-044	468-16-130	NEW-W	89-08-064
458-53-030	AMD	89-09-021	460-46A-090	AMD	89-07-042	468-16-130	NEW-P	89-16-086
458-53-070	AMD-P	89-05-053	460-46A-092	NEW-P	89-03-044	468-16-140	NEW-W	89-19-013
458-53-070	AMD	89-09-021	460-46A-092	NEW	89-07-042	468-16-140	NEW-P	89-07-034
458-53-100	AMD-P	89-05-053	460-46A-095	AMD-P	89-03-044	468-16-140	NEW-W	89-08-064
458-53-100	AMD	89-09-021	460-46A-095	AMD	89-07-042	468-16-140	NEW-P	89-16-086
458-53-110	AMD-P	89-05-053	460-46A-105	AMD-P	89-03-044	468-16-140	NEW-W	89-19-013
458-53-110	AMD	89-09-021	460-46A-105	AMD	89-07-042	468-16-150	NEW-P	89-07-034
458-53-150	AMD-P	89-05-053	460-46A-110	AMD-P	89-03-044	468-16-150	NEW-W	89-08-064
458-53-150	AMD	89-09-021	460-46A-110	AMD	89-07-042	468-16-150	NEW-P	89-16-086
458-53-163	AMD-P	89-05-053	460-46A-120	REP-P	89-03-044	468-16-150	NEW-W	89-19-013
458-53-163	AMD	89-09-021	460-46A-120	REP	89-07-042	468-16-160	NEW-P	89-07-034
460-10A-160	AMD-P	89-13-066	460-46A-145	AMD-P	89-03-044	468-16-160	NEW-W	89-08-064
460-10A-160	AMD-C	89-17-074	460-46A-145	AMD	89-07-042	468-16-160	NEW-P	89-16-086
460-20A-008	NEW-P	89-13-066	460-46A-150	AMD-P	89-03-044	468-16-160	NEW-W	89-19-013
460-20A-008	NEW	89-17-079	460-46A-150	AMD	89-07-042	468-16-170	NEW-P	89-07-034
460-20A-220	AMD-P	89-13-067	460-46A-155	AMD-P	89-03-044	468-16-170	NEW-W	89-08-064
460-20A-220	AMD-P	89-13-068	460-46A-155	AMD	89-07-042	468-16-170	NEW-P	89-16-086
460-20A-220	AMD	89-17-077	468-06	REVIEW	89-06-038	468-16-170	NEW-W	89-19-013
460-20A-230	AMD-P	89-13-068	468-06-030	AMD-P	89-14-019	468-16-180	NEW-P	89-07-034
460-20A-230	AMD	89-17-077	468-06-030	AMD	89-17-047	468-16-180	NEW-W	89-08-064
460-20A-420	AMD-P	89-13-066	468-06-040	AMD-P	89-14-019	468-16-180	NEW-P	89-16-086
460-20A-420	AMD	89-17-079	468-06-040	AMD	89-17-047	468-16-180	NEW-W	89-19-013
460-20A-425	AMD-P	89-13-066	468-06-050	AMD-P	89-14-019	468-16-190	NEW-P	89-07-034
460-20A-425	AMD	89-17-079	468-06-050	AMD	89-17-047	468-16-190	NEW-W	89-08-064
460-24A-050	AMD-P	89-13-067	468-10	REVIEW	89-06-038	468-16-190	NEW-P	89-16-086
460-24A-050	AMD	89-17-077	468-12	REVIEW	89-06-038	468-16-190	NEW-W	89-19-013

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
479-112-007	NEW	89-14-005	480-08-030	REP-E	89-17-050	480-09-100	NEW-P	89-13-090
479-112-008	NEW-P	89-10-053	480-08-040	REP-C	89-17-049	480-09-100	NEW-C	89-17-049
479-112-008	NEW-E	89-10-054	480-08-040	REP-E	89-17-050	480-09-100	NEW-E	89-17-050
479-112-008	NEW	89-14-005	480-08-050	REP-C	89-17-049	480-09-110	NEW-P	89-13-090
479-112-009	NEW-P	89-10-053	480-08-050	REP-E	89-17-050	480-09-110	NEW-C	89-17-049
479-112-009	NEW-E	89-10-054	480-08-055	REP-C	89-17-049	480-09-110	NEW-E	89-17-050
479-112-009	NEW	89-14-005	480-08-055	REP-E	89-17-050	480-09-120	NEW-P	89-13-090
479-112-010	NEW-P	89-10-053	480-08-060	REP-C	89-17-049	480-09-120	NEW-C	89-17-049
479-112-010	NEW-E	89-10-054	480-08-060	REP-E	89-17-050	480-09-120	NEW-E	89-17-050
479-112-010	NEW	89-14-005	480-08-070	REP-C	89-17-049	480-09-130	NEW-P	89-13-090
479-112-017	NEW-P	89-10-053	480-08-070	REP-E	89-17-050	480-09-130	NEW-C	89-17-049
479-112-017	NEW-E	89-10-054	480-08-080	REP-C	89-17-049	480-09-130	NEW-E	89-17-050
479-112-017	NEW	89-14-005	480-08-080	REP-E	89-17-050	480-09-135	NEW-P	89-17-049
479-112-018	NEW-P	89-10-053	480-08-090	REP-C	89-17-049	480-09-135	NEW-E	89-17-050
479-112-018	NEW-E	89-10-054	480-08-090	REP-E	89-17-050	480-09-140	NEW-P	89-13-090
479-112-018	NEW	89-14-005	480-08-100	REP-C	89-17-049	480-09-140	NEW-C	89-17-049
479-112-020	NEW-P	89-10-053	480-08-100	REP-E	89-17-050	480-09-140	NEW-E	89-17-050
479-112-020	NEW-E	89-10-054	480-08-110	REP-C	89-17-049	480-09-150	NEW-P	89-13-090
479-112-020	NEW	89-14-005	480-08-110	REP-E	89-17-050	480-09-150	NEW-C	89-17-049
479-113-010	NEW-P	89-10-053	480-08-120	REP-C	89-17-049	480-09-150	NEW-E	89-17-050
479-113-010	NEW-E	89-10-054	480-08-120	REP-E	89-17-050	480-09-200	NEW-P	89-13-090
479-113-010	NEW	89-14-005	480-08-130	REP-C	89-17-049	480-09-200	NEW-C	89-17-049
479-113-011	NEW-P	89-10-053	480-08-130	REP-E	89-17-050	480-09-200	NEW-E	89-17-050
479-113-011	NEW-E	89-10-054	480-08-140	REP-C	89-17-049	480-09-210	NEW-P	89-13-090
479-113-011	NEW	89-14-005	480-08-140	REP-E	89-17-050	480-09-210	NEW-C	89-17-049
479-113-029	NEW-P	89-10-053	480-08-150	REP-C	89-17-049	480-09-210	NEW-E	89-17-050
479-113-029	NEW-E	89-10-054	480-08-150	REP-E	89-17-050	480-09-220	NEW-P	89-13-090
479-113-029	NEW	89-14-005	480-08-160	REP-C	89-17-049	480-09-220	NEW-C	89-17-049
479-113-031	NEW-P	89-10-053	480-08-160	REP-E	89-17-050	480-09-220	NEW-E	89-17-050
479-113-031	NEW-E	89-10-054	480-08-170	REP-C	89-17-049	480-09-300	NEW-P	89-13-090
479-113-031	NEW	89-14-005	480-08-170	REP-E	89-17-050	480-09-300	NEW-C	89-17-049
479-113-032	NEW-P	89-10-053	480-08-180	REP-C	89-17-049	480-09-300	NEW-E	89-17-050
479-113-032	NEW-E	89-10-054	480-08-180	REP-E	89-17-050	480-09-310	NEW-P	89-13-090
479-113-032	NEW	89-14-005	480-08-190	REP-C	89-17-049	480-09-310	NEW-C	89-17-049
479-113-035	NEW-P	89-10-053	480-08-190	REP-E	89-17-050	480-09-310	NEW-E	89-17-050
479-113-035	NEW-E	89-10-054	480-08-200	REP-C	89-17-049	480-09-320	NEW-P	89-13-090
479-113-035	NEW	89-14-005	480-08-200	REP-E	89-17-050	480-09-320	NEW-C	89-17-049
479-116-015	NEW-P	89-10-053	480-08-208	NEW-E	89-08-004	480-09-320	NEW-E	89-17-050
479-116-015	NEW-E	89-10-054	480-08-208	NEW-P	89-08-109	480-09-330	NEW-P	89-13-090
479-116-015	NEW	89-14-005	480-08-208	REP-E	89-11-006	480-09-330	NEW-C	89-17-049
479-116-016	NEW-P	89-10-053	480-08-208	NEW-C	89-11-085	480-09-330	NEW-E	89-17-050
479-116-016	NEW-E	89-10-054	480-08-208	NEW-C	89-13-028	480-09-340	NEW-P	89-13-090
479-116-016	NEW	89-14-005	480-08-208	NEW-P	89-15-041	480-09-340	NEW-C	89-17-049
479-116-020	NEW-P	89-10-053	480-08-210	REP-C	89-17-049	480-09-340	NEW-E	89-17-050
479-116-020	NEW-E	89-10-054	480-08-210	REP-E	89-17-050	480-09-400	NEW-P	89-13-090
479-116-020	NEW	89-14-005	480-08-220	REP-C	89-17-049	480-09-400	NEW-C	89-17-049
479-116-030	NEW-P	89-10-053	480-08-220	REP-E	89-17-050	480-09-400	NEW-E	89-17-050
479-116-030	NEW-E	89-10-054	480-08-230	REP-C	89-17-049	480-09-410	NEW-P	89-13-090
479-116-030	NEW	89-14-005	480-08-230	REP-E	89-17-050	480-09-410	NEW-C	89-17-049
479-116-035	NEW-P	89-10-053	480-08-240	REP-C	89-17-049	480-09-410	NEW-E	89-17-050
479-116-035	NEW-E	89-10-054	480-08-240	REP-E	89-17-050	480-09-420	NEW-P	89-13-090
479-116-035	NEW	89-14-005	480-08-250	REP-C	89-17-049	480-09-420	NEW-C	89-17-049
479-116-040	NEW-P	89-10-053	480-08-250	REP-E	89-17-050	480-09-420	NEW-E	89-17-050
479-116-040	NEW-E	89-10-054	480-08-260	REP-C	89-17-049	480-09-425	NEW-P	89-13-090
479-116-040	NEW	89-14-005	480-08-260	REP-E	89-17-050	480-09-425	NEW-C	89-17-049
479-116-045	NEW-P	89-10-053	480-08-270	REP-C	89-17-049	480-09-425	NEW-E	89-17-050
479-116-045	NEW-E	89-10-054	480-08-270	REP-E	89-17-050	480-09-430	NEW-P	89-13-090
479-116-045	NEW	89-14-005	480-08-280	REP-C	89-17-049	480-09-430	NEW-C	89-17-049
479-116-050	NEW-P	89-10-053	480-08-280	REP-E	89-17-050	480-09-430	NEW-E	89-17-050
479-116-050	NEW-E	89-10-054	480-08-290	REP-C	89-17-049	480-09-440	NEW-P	89-13-090
479-116-050	NEW	89-14-005	480-08-290	REP-E	89-17-050	480-09-440	NEW-C	89-17-049
479-116-060	NEW-P	89-10-053	480-08-300	REP-C	89-17-049	480-09-440	NEW-E	89-17-050
479-116-060	NEW-E	89-10-054	480-08-300	REP-E	89-17-050	480-09-450	NEW-P	89-13-090
479-116-060	NEW	89-14-005	480-08-310	REP-C	89-17-049	480-09-450	NEW-C	89-17-049
479-120-020	NEW-P	89-10-053	480-08-310	REP-E	89-17-050	480-09-450	NEW-E	89-17-050
479-120-020	NEW-E	89-10-054	480-08-320	REP-C	89-17-049	480-09-460	NEW-P	89-13-090
479-120-020	NEW	89-14-005	480-08-320	REP-E	89-17-050	480-09-460	NEW-C	89-17-049
479-120-033	NEW-P	89-10-053	480-08-330	REP-C	89-17-049	480-09-460	NEW-E	89-17-050
479-120-033	NEW-E	89-10-054	480-08-330	REP-E	89-17-050	480-09-465	NEW-P	89-13-090
479-120-033	NEW	89-14-005	480-09	NEW-C	89-16-048	480-09-465	NEW-C	89-17-049
480-08-010	REP-C	89-17-049	480-09	NEW-C	89-17-049	480-09-465	NEW-E	89-17-050
480-08-010	REP-E	89-17-050	480-09	NEW-E	89-17-050	480-09-470	NEW-P	89-13-090
480-08-015	REP-C	89-17-049	480-09-010	NEW-P	89-13-090	480-09-470	NEW-C	89-17-049
480-08-015	REP-E	89-17-050	480-09-010	NEW-C	89-17-049	480-09-470	NEW-E	89-17-050
480-08-020	REP-C	89-17-049	480-09-010	NEW-E	89-17-050	480-09-475	NEW-P	89-13-090
480-08-020	REP-E	89-17-050	480-09-015	NEW-P	89-17-049	480-09-475	NEW-C	89-17-049
480-08-030	REP-C	89-17-049	480-09-015	NEW-E	89-17-050	480-09-475	NEW-E	89-17-050

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-09-480	NEW-P	89-13-090	480-12-250	AMD-P	89-19-048	480-105-010	REP-P	89-12-068
480-09-480	NEW-C	89-17-049	480-12-285	AMD	89-04-045	480-105-010	REP	89-15-043
480-09-480	NEW-E	89-17-050	480-12-445	AMD-P	89-06-020	480-105-020	REP-P	89-08-111
480-09-480	NEW	89-18-009	480-12-445	AMD	89-09-071	480-105-020	REP-W	89-12-067
480-09-500	NEW-P	89-13-090	480-30-095	AMD	89-06-021	480-105-020	REP-P	89-12-068
480-09-500	NEW-C	89-17-049	480-30-100	AMD	89-06-021	480-105-020	REP	89-15-043
480-09-500	NEW-E	89-17-050	480-30-120	AMD-W	89-19-047	480-105-030	REP-P	89-08-111
480-09-510	NEW-P	89-13-090	480-30-120	AMD-P	89-19-048	480-105-030	REP-W	89-12-067
480-09-510	NEW-C	89-17-049	480-50-090	AMD-P	89-19-048	480-105-030	REP-P	89-12-068
480-09-510	NEW-E	89-17-050	480-62-085	NEW-P	89-19-048	480-105-030	REP	89-15-043
480-09-600	NEW-P	89-13-090	480-70-330	AMD	89-06-021	480-105-040	REP-P	89-08-111
480-09-600	NEW-C	89-17-049	480-70-350	AMD-P	89-19-048	480-105-040	REP-W	89-12-067
480-09-600	NEW-E	89-17-050	480-70-400	AMD	89-06-021	480-105-040	REP-P	89-12-068
480-09-610	NEW-P	89-13-090	480-70-405	AMD	89-06-021	480-105-040	REP	89-15-043
480-09-610	NEW-C	89-17-049	480-75-010	NEW-P	89-19-048	480-105-050	REP-P	89-08-111
480-09-610	NEW-E	89-17-050	480-80-070	AMD-P	89-12-072	480-105-050	REP-W	89-12-067
480-09-620	NEW-P	89-13-090	480-80-070	AMD	89-15-042	480-105-050	REP-P	89-12-068
480-09-620	NEW-C	89-17-049	480-80-330	AMD-P	89-08-110	480-105-050	REP	89-15-043
480-09-620	NEW-E	89-17-050	480-80-330	AMD	89-12-038	480-105-060	REP-P	89-08-111
480-09-700	NEW-P	89-13-090	480-80-390	NEW-P	89-12-069	480-105-060	REP-W	89-12-067
480-09-700	NEW-C	89-17-049	480-80-390	NEW-C	89-17-041	480-105-060	REP-P	89-12-068
480-09-700	NEW-E	89-17-050	480-80-390	NEW	89-19-038	480-105-060	REP	89-15-043
480-09-705	NEW-P	89-13-090	480-90-031	AMD-P	89-09-070	480-105-070	REP-P	89-08-111
480-09-705	NEW-C	89-17-049	480-90-031	AMD-C	89-11-084	480-105-070	REP-W	89-12-067
480-09-705	NEW-E	89-17-050	480-90-031	AMD	89-12-070	480-105-070	REP-P	89-12-068
480-09-710	NEW-P	89-13-090	480-90-031	AMD-W	89-19-047	480-105-070	REP	89-15-043
480-09-710	NEW-C	89-17-049	480-90-031	AMD-P	89-19-048	480-105-080	REP-P	89-08-111
480-09-710	NEW-E	89-17-050	480-90-071	AMD-P	89-13-071	480-105-080	REP-W	89-12-067
480-09-720	NEW-P	89-13-090	480-90-071	AMD-C	89-16-047	480-105-080	REP-P	89-12-068
480-09-720	NEW-C	89-17-049	480-90-071	AMD	89-17-034	480-105-080	REP	89-15-043
480-09-720	NEW-E	89-17-050	480-90-201	REP-P	89-05-042	480-107-001	NEW-P	89-08-111
480-09-730	NEW-P	89-13-090	480-90-201	REP	89-08-030	480-107-001	NEW-W	89-12-067
480-09-730	NEW-C	89-17-049	480-90-206	REP-P	89-05-042	480-107-001	NEW-P	89-12-068
480-09-730	NEW-E	89-17-050	480-90-206	REP	89-08-030	480-107-001	NEW	89-15-043
480-09-735	NEW-P	89-13-090	480-90-216	REP-P	89-05-042	480-107-005	NEW-P	89-08-111
480-09-735	NEW-C	89-17-049	480-90-216	REP	89-08-030	480-107-005	NEW-W	89-12-067
480-09-735	NEW-E	89-17-050	480-90-221	REP-P	89-05-042	480-107-005	NEW-P	89-12-068
480-09-736	NEW-P	89-13-090	480-90-221	REP	89-08-030	480-107-005	NEW	89-15-043
480-09-736	NEW-C	89-17-049	480-90-226	REP-P	89-05-042	480-107-010	NEW-P	89-08-111
480-09-736	NEW-E	89-17-050	480-90-226	REP	89-08-030	480-107-010	NEW-W	89-12-067
480-09-740	NEW-P	89-13-090	480-90-231	REP-P	89-05-042	480-107-010	NEW-P	89-12-068
480-09-740	NEW-C	89-17-049	480-90-231	REP	89-08-030	480-107-010	NEW	89-15-043
480-09-740	NEW-E	89-17-050	480-90-241	REP-P	89-05-042	480-107-020	NEW-P	89-08-111
480-09-745	NEW-P	89-13-090	480-90-241	REP	89-08-030	480-107-020	NEW-W	89-12-067
480-09-745	NEW-C	89-17-049	480-90-246	REP-P	89-05-042	480-107-020	NEW-P	89-12-068
480-09-745	NEW-E	89-17-050	480-90-246	REP	89-08-030	480-107-020	NEW	89-15-043
480-09-750	NEW-P	89-13-090	480-90-251	REP-P	89-05-042	480-107-030	NEW-P	89-08-111
480-09-750	NEW-C	89-17-049	480-90-251	REP	89-08-030	480-107-030	NEW-W	89-12-067
480-09-750	NEW-E	89-17-050	480-90-256	REP-P	89-05-042	480-107-030	NEW-P	89-12-068
480-09-760	NEW-P	89-13-090	480-90-256	REP	89-08-030	480-107-030	NEW	89-15-043
480-09-760	NEW-C	89-17-049	480-90-261	REP-P	89-05-042	480-107-040	NEW-P	89-08-111
480-09-760	NEW-E	89-17-050	480-90-261	REP	89-08-030	480-107-040	NEW-W	89-12-067
480-09-770	NEW-P	89-13-090	480-90-266	REP-P	89-05-042	480-107-040	NEW-P	89-12-068
480-09-770	NEW-C	89-17-049	480-90-266	REP	89-08-030	480-107-040	NEW	89-15-043
480-09-770	NEW-E	89-17-050	480-90-271	REP-P	89-05-042	480-107-050	NEW-P	89-08-111
480-09-780	NEW-P	89-13-090	480-90-271	REP	89-08-030	480-107-050	NEW-W	89-12-067
480-09-780	NEW-C	89-17-049	480-90-276	REP-P	89-05-042	480-107-050	NEW-P	89-12-068
480-09-780	NEW-E	89-17-050	480-90-276	REP	89-08-030	480-107-050	NEW	89-15-043
480-09-800	NEW-P	89-13-090	480-90-281	REP-P	89-05-042	480-107-060	NEW-P	89-08-111
480-09-800	NEW-C	89-17-049	480-90-281	REP	89-08-030	480-107-060	NEW-W	89-12-067
480-09-800	NEW-E	89-17-050	480-90-286	REP-P	89-05-042	480-107-060	NEW-P	89-12-068
480-09-810	NEW-P	89-13-090	480-90-286	REP	89-08-030	480-107-060	NEW	89-15-043
480-09-810	NEW-C	89-17-049	480-100-031	AMD-P	89-09-070	480-107-070	NEW-P	89-08-111
480-09-810	NEW-E	89-17-050	480-100-031	AMD-C	89-11-084	480-107-070	NEW-W	89-12-067
480-09-815	NEW-P	89-13-090	480-100-031	AMD	89-12-070	480-107-070	NEW-P	89-12-068
480-09-815	NEW-C	89-17-049	480-100-031	AMD-W	89-19-047	480-107-070	NEW	89-15-043
480-09-815	NEW-E	89-17-050	480-100-031	AMD-P	89-19-048	480-107-080	NEW-P	89-08-111
480-09-820	NEW-P	89-13-090	480-105-001	REP-P	89-08-111	480-107-080	NEW-W	89-12-067
480-09-820	NEW-C	89-17-049	480-105-001	REP-W	89-12-067	480-107-080	NEW-P	89-12-068
480-09-820	NEW-E	89-17-050	480-105-001	REP-P	89-12-068	480-107-080	NEW	89-15-043
480-09-830	NEW-P	89-13-090	480-105-001	REP	89-15-043	480-107-090	NEW-P	89-08-111
480-09-830	NEW-C	89-17-049	480-105-005	REP-P	89-08-111	480-107-090	NEW-W	89-12-067
480-09-830	NEW-E	89-17-050	480-105-005	REP-W	89-12-067	480-107-090	NEW-P	89-12-068
480-12-180	AMD	89-06-021	480-105-005	REP-P	89-12-068	480-107-090	NEW	89-15-043
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