

MAY 16, 1990

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filed not later than May 2, 1990

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1990 pursuant to RCW 19.52.020 is twelve point two four percent (12.24%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point zero percent (14.0%) for the second calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the second calendar quarter of 1990.

WASHINGTON STATE REGISTER

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

Raymond W. Haman
Chairman, Statute Law Committee

Kerry S. Radcliff
Editor

Dennis W. Cooper
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Gary Reid
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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
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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 90-10-001
PROPOSED RULES
THE EVERGREEN STATE COLLEGE

[Filed April 19, 1990, 8:47 a.m.]

Continuance of WSR 90-04-028 on January 30, 1990.

Title of Rule: WAC 174-168-010 through 174-168-080, Library circulation policy.

Purpose: Implements chapter 34.05 RCW, the Administrative Procedure Act.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: Specific statute rule is intended to implement, chapter 34.05 RCW.

Explanation of Rule, its Purpose, and Anticipated Effects: Existing rule renumbered and readopted into new chapter, The Evergreen State College library circulation policy; and implementation of chapter 34.05 RCW, the Administrative Procedure Act.

Proposal does not change existing rules.

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

Hearing Location: The Evergreen State College, Board of Trustees Meeting Room, Library 3112, Olympia, Washington 98505, on May 9, 1990, at 1:45 p.m.

Submit Written Comments to: Rita Sevcik, Room 3109, Library Building, The Evergreen State College, by April 30, 1990.

Date of Intended Adoption: May 9, 1990.

April 18, 1990

Rita Sevcik

Rules Coordinator

WSR 90-10-002
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed April 19, 1990, 11:00 a.m.]

Date of Adoption: April 18, 1990.

Purpose: Adoption of rules to implement chapter 28B.110 RCW, Gender equality in higher education.

Statutory Authority for Adoption: Chapter 28B.110 RCW, Gender equality in higher education.

Pursuant to RCW 34.05.350 the agency for good cause finds that state of federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 28B.110 RCW requires all public institutions of higher education to complete a gender equality self-study by September 30, 1990, and a gender equity plan by November 30, 1990. Emergency rules are needed to allow institutions to begin self-studies before the end of the academic year.

Effective Date of Rule: Immediately.

April 18, 1990

Marilyn J. Baker

for Ann Daley

Executive Director

STATE OF WASHINGTON
GENDER EQUALITY IN HIGHER EDUCATION
Chapter 250-71 WAC

WAC 250-71-010 Purpose—elimination of discrimination in higher education based on gender

WAC 250-71-015 Definitions

WAC 250-71-020 Academic Programs

WAC 250-71-025 Counseling and Guidance Services

WAC 250-71-030 Student Employment

WAC 250-71-035 Financial Aid

WAC 250-71-040 Recreational Activities

WAC 250-71-045 Other Student Services

WAC 250-71-050 Intercollegiate Athletics

WAC 250-71-055 Male and Female Coaches and Administrators

WAC 250-71-060 Sexual Harassment

WAC 250-71-065 Institutional Self-Study and Plan

WAC 250-71-070 Distribution

WAC 250-71-075 Compliance—Complaints

[NEW SECTION]

WAC 250-71-010 PURPOSE—ELIMINATION OF DISCRIMINATION BASED ON GENDER IN HIGHER EDUCATION. The purpose of this chapter is to establish administrative rules implementing chapter 28B.110 RCW, prohibiting discrimination on the basis of gender in all public institutions of higher education in the state of Washington.

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

[NEW SECTION]

WAC 250-71-015 DEFINITIONS. (1) "Institution" shall mean a public university, college, or community college within the state of Washington.

(2) "Without regard to gender" shall mean that gender may not be taken into account when making a decision regarding a student.

(3) "Available without regard to gender" shall mean that there are no institutional factors operating to prevent or discourage students of either gender from selecting, participating in, or completing a program of study or activity.

(4) "No disparities based on gender" shall mean that the benefits of a program or activity shall be enjoyed by males and females substantially proportional to their enrollment as undergraduates at the institution.

(5) "Equitable opportunities" shall specifically apply to athletics and shall mean that the numbers of opportunities for participation, and the benefits related to those opportunities, for students of each gender are proportional to their enrollment as undergraduates at that institution.

(6) "Opportunities for participation" shall mean the number of positions on the initial eligibility roster of student athletes, minus students who are cut from the team and students who drop out voluntarily within the first ten days of practice.

(7) "Academic programs" shall mean all instructional, research, and public service activities of the institution,

including internships, teaching and research assistantships, and cooperative education, at all levels of study.

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.

[NEW SECTION]

WAC 250-71-020 ACADEMIC PROGRAMS. (1) Institutions shall ensure that admission to academic programs is made without regard to gender.

(2) Institutions shall ensure that all academic programs are available without regard to gender for student selection, participation, and completion.

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

[NEW SECTION]

WAC 250-71-025 COUNSELING AND GUIDANCE SERVICES. Institutions shall ensure that all counseling and guidance services are made available to all students without regard to gender, including:

(1) That counseling and academic advising personnel stress access to all career and vocational opportunities to all students;

(2) That materials, assessment instruments, and techniques used encourage students to participate in academic programs and other activities on individual rather than gender-based factors;

(3) That assessment instruments intended to measure aptitude, interest, personality, emotional stability, or other characteristics, the interpretation of those instruments, and the counseling staff do not discriminate on the basis of gender.

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

[NEW SECTION]

WAC 250-71-030 STUDENT EMPLOYMENT. Institutions shall insure that all student employment is conducted without regard to gender, including:

(1) No differentiation in pay scales;

(2) Assignment of positions, jobs, and duties, except in cases of bona fide occupational qualifications under WAC 162-16-020;

(3) Opportunities for advancement;

(4) Conditions of employment, including, but not limited to, hiring practices, leaves of absence, and hours of employment;

(5) All employment opportunities not under the jurisdiction of the institution to which students are referred by the institution, or for which students are recruited on campus or under the auspices of the institution.

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

[NEW SECTION]

WAC 250-71-035 FINANCIAL AID. Institutions shall ensure that in the assignment of financial aid there

is no discrimination in types, amounts, or patterns of aid awarded to students of each gender. Types of aid include, but are not limited to the following:

(1) Federal and state funded, including institutionally controlled, need-based assistance;

(2) Merit-based awards

(3) Graduate assistantships and fellowships

(4) Athletic assistance

(5) Department-based awards

(6) Foreign study scholarships and opportunities

(7) Non-need based waivers

(8) Discretionary programs

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

[NEW SECTION]

WAC 250-71-040 RECREATIONAL ACTIVITIES. Recreational activities include all activities provided by the institution, or sanctioned by the institution, to meet the recreational needs or interests of students, including but not limited to, intramural activities and club sports.

(1) Institutions are not required to offer any specific type or level of recreational opportunities. Institutions which elect to offer recreational opportunities shall do so based upon the interests of the students.

(2) Institutions which provide the following support for recreational activities must do so with no disparities based on gender:

(a) Equipment, supplies, laundry services

(b) Medical care, services and insurance,

(c) Transportation and per diem allowances,

(d) Opportunities to receive coaching and instruction,

(e) Assignment of game officials,

(f) Opportunities for competitions,

(g) Publicity and awards,

(h) Scheduling of games and practice times, including use of courts, gyms and pools, showers, toilets, lockers, or training room facilities.

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

[NEW SECTION]

WAC 250-71-045 OTHER STUDENT SERVICES. Institutions which provide other student services including, but not limited to health services, minority student services, placement, child care, and housing, shall do so with no disparities based on gender.

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

[NEW SECTION]

WAC 250-71-050 INTERCOLLEGIATE ATHLETICS. Institutions which provide intercollegiate athletics shall do so with no disparities based on gender, according to the following standards:

(1) No sports may be excluded or treated separately for purposes of meeting any of the requirements of this section.

(2) Institutions shall provide equitable opportunities for males and females to participate in intercollegiate athletics.

(a) Intercollegiate athletics shall include all sports recognized by the NCAA, NAIA, and NWAACC, plus the sport of crew.

(b) By July 1, 1994, the number of opportunities for participation in athletics for female students shall meet or exceed 39%, which is approximately the rate at which high school girls participate in interscholastic athletics in the state of Washington.

(c) After 1994, institutions shall show continuing progress toward the goal of providing numbers of opportunities for participation in athletics for male and female students proportional to their respective undergraduate enrollments at the institution.

(3) If any benefits, services, or facilities are provided, they shall be made available with no disparities based on gender, across the athletic program considered as a whole. Institutions which provide more support to some sports than to others shall ensure that similar numbers of male and female athletes experience the benefits of such practices. Examples of such benefits include:

(a) equipment, supplies, laundry services

(b) medical care, services, and insurance

(c) scholarships and all other forms of financial aid or benefits from any source related to the students' status as an athlete

(d) opportunities to receive coaching and instruction, including academic tutoring

(e) conditioning programs

(f) opportunities for competition, including pre- and post-season opportunities and levels of competition

(g) transportation and per diem allowances

(h) assignment of game officials

(i) scheduling of games and practice times, including use of courts, gyms, and pools.

(j) publicity and awards

(k) showers, lockers, toilets, training room facilities.

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

[NEW SECTION]

WAC 250-71-055 MALE AND FEMALE COACHES AND ADMINISTRATORS. Institutions shall provide coaches and athletic administrators of both genders to act as role models for male and female athletes, and shall endeavor to attract staff of the under represented gender.

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

[NEW SECTION]

WAC 250-71-060 SEXUAL HARASSMENT. Each institution shall develop and annually distribute to students, faculty, and staff, policies and procedures for handling complaints of sexual harassment, including:

(1) A definition of sexual harassment which includes, but is not necessarily limited to, unwanted verbal or

physical sexual behavior of faculty or staff toward students, supervisors toward student supervisees, or students toward students.

(2) The name, address, and phone number of one or more persons to whom complaints may be addressed, and the procedures available.

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

[NEW SECTION]

WAC 250-71-065 INSTITUTIONAL SELF-STUDY AND PLAN. (1) By September 30, 1990, each institution shall submit to the Higher Education Coordinating Board an initial self-study assessing its compliance with the gender equality requirements of this chapter. The self-study shall utilize data from the 1988-89 academic year, and shall include:

(a) An assessment of the students in each major, at the graduate and undergraduate levels, and in all programs and services related to academics, to determine whether the participation of males and to females is substantially proportional to the enrollment of each gender in the undergraduate population of the institution;

(b) An analysis of student employment to determine the proportion of each gender employed by the institution, and their rates of pay;

(c) An evaluation of all advising and counseling services and appraisal instruments to determine freedom from gender bias;

(d) An assessment of the participation of male and female students in the recreational activities of the institution, and of the benefits associated with these activities;

(e) An examination of the amounts, types, and patterns of financial aid awarded to males and to females at all levels of study to determine whether any disparities exist;

(f) An evaluation of other areas of student services, including, but not limited to, housing, placement, child care, minority affairs, and special services, to determine if students of both genders receive comparable benefits;

(g) An analysis of the intercollegiate athletics program to identify any existing disparities between genders in participation opportunities, benefits, services, or facilities;

(h) An enumeration of athletic administrators and coaches by position title, sport and gender;

(i) a description of efforts implemented to educate students, faculty and staff about sexual harassment.

(2) By November 30, 1990, each institution shall submit to the Higher Education Coordinating Board a plan to comply with the requirements of this chapter, including:

(a) identification of barriers or factors which need to be addressed in order to reach compliance with the provisions of this chapter;

(b) measures to be implemented to ensure institutional compliance with the provisions of this chapter by September 30, 1994, except as otherwise allowed in RCW 28B.15.460.

(3) By October 30 of each even numbered year, beginning in 1992, each institution shall submit an update to its plan, including:

(a) An assessment of the results of activities undertaken under the previous plan to remove barriers to compliance with the provisions of this chapter,

(b) The results of continued monitoring of gender equity at the institution;

(c) Additional activities, or modifications of current activities, to be undertaken to address remaining issues of gender equity at the institution.

(4) The Higher Education Coordinating Board shall report biennially, beginning December 31, 1990, to the governor and the higher education committees of the House of Representatives and the Senate on:

(a) The efforts of each institution and the extent to which it has complied with this chapter.

(b) Recommendations on measures to assist institutions with compliance.

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

[NEW SECTION]

WAC 250-71-070 DISTRIBUTION. Institutions of higher education shall distribute summaries of the provisions of RCW Ch. 28B.110 to all students, including the procedures for filing a complaint with the institution and the Human Rights Commission.

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

[NEW SECTION]

WAC 250-71-075 COMPLIANCE—COMPLAINTS. (1) The president of each institution shall designate a specific staff person who shall be responsible for monitoring and coordinating the institution's compliance with this chapter.

(2) Each institution shall identify existing complaint procedures, or establish new ones, as an institutional remedy for complaints under this chapter.

(4) All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall also apply.

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

WSR 90-10-003
RULES COORDINATOR
OFFICE OF
ADMINISTRATIVE HEARINGS
[Filed April 19, 1990, 11:01 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Office of Administrative Hearings is Pauline Cortshell, Deputy Chief Administrative Law Judge, 4224 6th Avenue S.E., Mailstop PY-15, Lacey, WA 98504-8915, 459-6353, 585-6353 scan, 438-7725 FAX.

David R. LaRose
Chief Administrative
Law Judge

WSR 90-10-004
RULES COORDINATOR
SHORELINE COMMUNITY COLLEGE

[Filed April 19, 1990, 11:02 a.m.]

Please be advised that William L. Demetre, Vice-President for Student Services, Shoreline Community College, 16101 Greenwood Avenue N., Seattle, WA 98133, 274-4641 scan, has been designated rules coordinator for Shoreline Community College.

Ronald E. Bell
President

WSR 90-10-005
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE

[Memorandum—April 17, 1990]

This is notification of a change in time and location to the previously submitted schedule of board meetings for 1990 for The Evergreen State College.

The June 6 meeting will be held in Spokane (rather than Olympia) at 9:30 a.m. (rather than 1:30 p.m.). The location of the meeting in Spokane is Moreland's Restaurant and Coffee Company at North 216 Howard.

WSR 90-10-006
PERMANENT RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
(Fire Protection)

[Order 90-02—Filed April 19, 1990, 11:09 a.m.]

Date of Adoption: April 19, 1990.

Purpose: To update the current rule based on the National Fire Protection Association Standard #1123, *Outdoor Display of Fireworks*, 1982 edition, to conform with the 1990 edition of the same standard.

Citation of Existing Rules Affected by this Order: Amending chapter 212-17 WAC, Fireworks.

Statutory Authority for Adoption: Chapter 70.77 RCW, State fireworks law.

Pursuant to notice filed as WSR 90-04-097 on February 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: This permanent rule incorporates revisions included in the final version of the national standard.

Effective Date of Rule: Thirty-one days after filing.

April 19, 1990
Chuck Clarke
Director

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-300 PUBLIC DISPLAY—DEFINITIONS. For the purpose of this section, the following terms shall have the meanings shown:

(1) Assistant. A person who works under the direction of the pyrotechnic operator in charge to put on an outdoor fireworks display. The duties of an assistant include such tasks as: Loading mortars, spotting the bursting location of aerial shells, tending a ready box, setting up and cleaning the discharge site, igniting fireworks, etc.

(2) Barrage. A rapidly fired sequence of aerial fireworks. Mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(3) Black match. A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.

((2)) (4) Boxed finale. A number of mortars grouped closely together and contained by a suitable frame. The mortars are loaded prior to the display and fused for rapid sequence firing.

((3)) (5) Break. An individual effect from an aerial shell; generally either color (stars) or noise (salute). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).

((4)) (6) Chain fusing. A series of two or more aerial shells fused so as to fire in sequence from a single ignition. Finales and barrages are typically chain fused.

(7) Colored pot. A paper tube containing pyrotechnic composition that produces a colored flame on ignition. Colored pots are used in the construction of ground display pieces.

((5)) (8) Discharge site. The area immediately surrounding the mortars used to fire the aerial shells.

((6)) (9) Electric match. A device consisting of wires terminating at a high resistance element surrounded with a small quantity of heat sensitive pyrotechnic composition. When a sufficient electric current is passed through the wire circuit, the heat that is generated ignites the pyrotechnic composition, producing a small burst of flame. This flame can be used to ignite a fuse or a lift charge in a fireworks device.

(10) Electrical firing unit. The source of electrical current used to ignite electric matches. Generally the firing unit will have switches to control the routing of the current to various firework items and shall have test circuits and warning indicators, etc.

(11) Electrical ignition. A technique used to discharge fireworks in which an electric match and source of electric current are used to ignite fuses or lift charges. The electric matches are attached prior to the display, generally with wires connected to an electrical firing unit during the display.

(12) Fallout area. The area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area.

(13) Finale. A rapidly fired sequence (barrage) of aerial fireworks, typically fired at the end of a display. The mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(14) Finale rack. A row of closely spaced two-inch (51 mm) or three-inch (76 mm) inside diameter, mortars held in a wooden frame. It is similar to a boxed finale.

((7)) (15) Fireworks display. An outdoor display of special fireworks performed as entertainment.

(16) Flash powder. Explosive composition intended for use in firecrackers and salutes. Flash powder produces an audible report and a flash of light when ignited. Typical flash powder composition contains potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(17) Fusee. A highway distress flare, sometimes used to ignite fireworks at outdoor fireworks displays.

(18) Ground display piece. A pyrotechnic device that functions on the ground (as opposed to an aerial shell which functions in the air). Typical ground display pieces include fountains, roman candles, wheels, "set pieces."

((8)) (19) Lance. A thin cardboard tube packed with color-producing pyrotechnic composition used to construct ground display pieces. Lances are mounted on a wooden frame and fused so that ignition of all tubes is simultaneous.

((9)) (20) Lift charge. That part of an aerial shell which actually lifts the shell into the air. It usually consists of a black powder charge ignited by a quick match fuse. A delay fuse then ignites the main part of the shell, producing the desired effect.

((10)) (21) Manual ignition. A technique used to ignite fireworks using a handheld ignition source such as a fusee or port fire.

(22) Monitor. A person designated by the licensee of the display to keep the audience in the intended viewing area and out of the discharge site and fallout area.

(23) Mortar. A metal or heavy cardboard tube from which aerial shells are fired.

((11)) (24) Mortar rack. A strong wooden or metal frame containing closely spaced mortars. Such racks are most often used for barrages and finales, and in electrically ignited displays.

(25) Mortar trough. Above ground structures filled with sand or similar material into which mortars are positioned ready for use in a fireworks display.

(26) Movable ground piece. A ground display piece having movable parts, such as a revolving wheel.

((12)) (27) No-fire current. The maximum current that can be applied to an electric match for five seconds at room temperature without the match igniting.

(28) Operator. The licensed pyrotechnician (pyrotechnic operator) responsible for setting up and firing a public fireworks display.

((13)) (29) Potential landing area. The area over which shells are fired. The shells will normally burst over this area, but debris and malfunctions will fall into this area; therefore, it must be kept clear of spectators.

((14)) (30) Quick match. Black match that is encased in a loose-fitting paper sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

~~((+5))~~ (31) Safety cap. A paper tube, closed at one end, that is placed over the end of the fuse of an aerial shell to protect it from accidental ignition. The cap is not removed until just before firing of the shell.

~~((+6))~~ (32) Salute. A special firework that is designed to produce a loud report.

(33) Salute powder. A pyrotechnic composition which makes a loud report when ignited and constitutes the sole pyrotechnic mixture in a salute.

(34) Shell (aerial). A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse, and a black powder lift charge. The shells are most commonly three-inch (76 mm) to six inch (152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

(35) Theatrical flash powder. A pyrotechnic composition intended for use in theatrical shows. Theatrical flash powder produces a flash of light when ignited. Typical theatrical flash powder burns more slowly than salute powder and may also produce a shower of sparks. Theatrical flash powder is not intended to produce a loud report.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-305 PUBLIC DISPLAY—CONSTRUCTION OF SHELLS. (1) Shells shall be classified and described only in terms of the inside diameter of the mortar in which they can be safely used (e.g., 3-inch shells are only for use in 3-inch mortars).

(2) Shells shall be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no less than 1/8 inch (3.2 mm) and no more than 1/4 inch (6.4 mm) for two-inch (51 mm) and three-inch (76 mm) shells or 1/2 inch (12.7 mm) for shells larger than three-inch (76 mm).

(3) Shells shall be labeled with the type of shell, the diameter measurement, and the name of the manufacturer or distributor. Shells shall also carry a warning label complying with 16 CFR 1500.121, 1981.

(4) The label or wrapper of any type of aerial salute shall be conspicuously marked with the work "salute."

(5) Single-break salute shells shall not exceed three inches in diameter or three inches in length (exclusive of the propellant charge). The maximum quantity of salute powder in such salutes shall not exceed 2.5 ounces (71 g).

(6) For single-break shells containing multiple internal salutes and for multibreak shells, the maximum quantity of salute powder per internal unit shall not exceed 2.5 ounces (71 g) with no more than 5 ounces (142 g) total salute powder in any one shell.

(7) The length of the internal delay fuse and the amount of lift charge shall be sized to insure proper functioning of the shells in their mortars. Quick match fuse shall be long enough to allow not less than 6 inches (152 mm) of fuse to protrude from the mortar after the shell has been properly inserted.

Exception: For electrically ignited displays, the requirement shall be that the length of wire on the electric match shall be long enough that not less than 6 inches (152 mm) protrude

from the mortar when the shell has been properly inserted.

~~((5))~~ (8) The length of exposed black match on a shell shall not be less than 3 inches (76 mm) and the fuse shall not be folded or doubled back under the safety cap. ~~((Also, the time delay between ignition of the tip of the exposed black match and ignition of the lift charge shall not be less than 4 seconds to allow the operator to retreat safely.))~~

In order to allow the person igniting the aerial shells to safely retreat, the time delay between igniting the tip of the shell's fuse and the firing of the shell shall not be less than three seconds or more than six seconds.

Exception: For electrically ignited displays, there is no requirement for a delay period.

~~((6))~~ (9) A safety cap shall be installed over the exposed end of the fuse. The safety cap shall be of a different color than that used for the paper of the fuse.

Exception: For electrically ignited displays, there is no requirement for safety caps except that there shall be no exposed pyrotechnic composition.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-310 PUBLIC DISPLAY—STORAGE OF SHELLS. (1) As soon as the fireworks have been delivered to the display site, they shall not be left unattended nor shall they be allowed to become wet.

(2) All shells shall be inspected upon delivery to the display site by the display operators. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall either be returned to the supplier or be destroyed according to the supplier's instructions.

Exception: Minor repairs to fuses shall be allowed. Also, for electrically ignited displays, attachment of electric matches and other similar tasks shall be permitted.

(3) All shells shall be separated according to diameter and stored in tightly covered containers of metal, wood, or plastic or in fiber drums or corrugated cartons meeting United States Department of Transportation specifications for transportation of fireworks. A flame-resistant tarpaulin shall be permitted to be used as a covering over the containers, if additional protection is desired.

(4) The shell storage area shall be located at a minimum distance of not less than 25 feet (7.6 m) from the discharge site.

(5) During the display, shells shall be stored upwind from the discharge site. If the wind should shift during the display, the shell storage area should be relocated so as to again be upwind from the discharge site.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-315 PUBLIC DISPLAY—INSTALLATION OF MORTARS. (1) Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be

defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

(2) Mortars shall be positioned so that the shells are carried away from spectators and into a clear area acceptable to the authority having jurisdiction.

(3) Mortars shall be either buried securely into the ground to a depth of 2/3 to 3/4 of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber (e.g. 4-inch thick) or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

Exception: Boxed finales and finale racks.

(4) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

(5) Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

(6) Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

(7) Mortars shall be inspected before the first shells are loaded to be certain no water or debris has accumulated in the bottom of the mortar.

~~(8) ((Metal mortars shall be deemed acceptable for use with all shells. Paper mortars shall only be used for discharge of single-break and double-break shells. A thirty-second cooling period shall be allowed between firing and reloading of paper mortars.~~

~~(9) Paper mortars shall be constructed of convolute wound paper, except that spiral wound paper shall be permitted for 3-inch (76 mm) diameter mortars only. Wall thickness of paper mortars shall conform to the following:~~

WALL THICKNESS OF PAPER MORTARS

Mortar Type	Mortar Diameter In.	Wall Thickness In.	Mortar Diameter (mm)	Wall Thickness (mm)
Convolute	2-inch	1/4 inch	(51)	(6.4)
Convolute or Spiral	3-inch	3/8 inch	(76)	(9.5)
Convolute	4-inch	1/2 inch	(102)	(12.7)
Convolute	5-inch	3/4 inch	(127)	(19.0)
Convolute	6-inch	3/4 inch	(152)	(19.0)

EXCEPTION: For 3-inch (76 mm) single-fire mortars, such as used in finales, a wall thickness of 1/4-inch (6.4 mm) shall be permitted.

~~(+0)) If steel mortars are placed in troughs or drums, the minimum distance from the mortar to the wall of the trough or drum shall be at least two times the diameter of the mortar.~~

~~(9) If troughs and drums are used, they shall be filled with sand or soft dirt; in no case shall stones or other possibly dangerous debris be present.~~

(10) If mortars which are generally considered not capable of generating dangerous flying debris are placed in troughs or drums, the minimum distance from the mortar to the wall of the trough or drum shall be at least equal to the diameter of the mortar. Commonly used mortars which are considered generally not capable of generating dangerous flying debris include paper and high density polyethylene mortars.

(11) Whenever shells are to be chain fused, such as for barrages and finales, additional measures are required to prevent adjacent mortars from being repositioned in the event that a shell detonates in a mortar causing it to burst. For buried mortars, this shall be accomplished by placing the mortars with a minimum separation of four times their diameter. For mortars in racks this shall be accomplished by using mortar racks that have sufficient strength to successfully withstand such a failure.

(12) When mortars are to be reloaded during a display, mortars of various sizes shall not be intermixed. Mortars of the same size shall be placed in groups and the groups must be separated from one another.

To the extent practical, when mortars are to be reloaded during a display, groups of one size mortar should not be placed adjacent to mortars of only one inch different diameter. This will reduce the likelihood that shells will be loaded into oversized mortars. For example, an arrangement of mortar groups such as 5"-3"-6"-4" is greatly preferred over an arrangement such as 3"-4"-5"-6".

(13) Mortars may be constructed of steel, paper or high-density polyethylene.

(14) Steel mortars shall be deemed acceptable for use with all shells. Steel mortars shall be either seamed or seamless; however, seamed mortars must be placed such that the seam is facing either right or left as one faces the line of mortars. Steel mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID (in)	Spherical	Cylindrical Single-Break	Cylindrical Multi-Break
3	0.04	0.11	0.21
4	0.05	0.12	0.23
5	0.06	0.13	0.25
6	0.07	0.14	0.27
8	0.09	0.16	0.31
10	0.11	0.18	0.35
12	0.13	0.20	0.39

The tensile strength of steel pipe shall be at least 40,000 psi.

(15) Paper mortars shall only be used for discharge of single-break and double-break shells. A thirty second cooling period shall be allowed between firing and reloading of paper mortars. Paper mortars shall be constructed of convolute wound paper, except that spiral wound paper shall be permitted for 3-inch diameter mortars only. Paper mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID (in.)	Spherical	Cylindrical Single-Break	Cylindrical Two Break
3	0.25	0.25	0.37
4	0.25	0.33	0.50
5	0.31	0.42	0.62
6	0.37	0.50	0.75
8	0.50	0.62	
10	0.62		
12	0.75		

The cross-grain tensile strength of the paper shall be at least 2,300 psi.

(16) Plastic reusable mortars shall be of high density polyethylene pipe, marked with identification markings "high density polyethylene" or "HDPE" and certified by "ASTM" with an accompanying certification standard identifier subscript. Plastic mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID	Spherical	Cylindrical Single-Break
3	0.15	0.20
4	0.20	0.26
5	0.25	
6	0.30	

The tensile strength of plastic shall be at least 3,500 psi.

(17) Mortars shall be of sufficient length to cause aerial shells to be propelled to safe heights. Mortar lengths shall conform to the following:

MINIMUM INSIDE MORTAR LENGTH (INCHES)

Mortar ID (in.)	Single-Break	Double-Break	Up To 4-Break
3	15	18	21
4	20	23	27
5	24	28	32
6	28	32	37
8	34	40	46
10	40	46	54
12	46	52	62

(18) A cleaning tool shall be provided for cleaning debris out of the mortars between firings.

Exception: When mortars are not to be reloaded during a display, there is no requirement for a cleaning tool.

NEW SECTION

WAC 212-17-317 ELECTRICAL FIRING UNIT. (1) At no point shall electrical contact be allowed to occur between any wiring associated with the electrical firing unit and any metal object in contact with the ground.

(2) If the electrical firing unit is powered from AC power lines, some form of line isolation shall be employed (e.g., a line isolation transformer).

(3) The electrical firing unit shall include a key operated switch or other similar device that greatly reduces

the possibility that unauthorized or unintentional firings can occur.

Exception: When the electrical firing unit is very small in size, and is only in the immediate area and attached to the wire running to electric matches for the brief duration of the actual firing, there is no requirement for a key operated switch.

(4) Manually activated electrical firing units shall be designed such that at least two positive actions must be taken to apply electric current to an electric match. For example, this might be accomplished with two switches in series, both of which must be operated in order to pass current.

(5) Computer activated electrical firing units shall have some form of "dead-man-switch," such that all firings will cease the moment the switch is released.

(6) If the electrical firing unit has a built-in test circuit, the unit shall be designed to limit the test current (into a short circuit) to 0.05 ampere or to twenty percent of the no-fire current of the electric match, whichever is less. Multitesters such as Volt-Ohm Meters shall not be used for testing unless their maximum current delivering potential has been measured and found to meet these requirements.

(7) When any testing of firing circuits is performed, no person shall be allowed to be present in the immediate area of fireworks that have been attached to the electrical firing unit.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-325 PUBLIC DISPLAY—DISCHARGE SITE. (1) The area selected for the discharge of aerial shells shall be so located that the trajectory of the shells will not come within 25 feet (7.6 m) of any overhead object.

(2) Ground display pieces shall be located at a minimum distance of 75 feet (22.9 m) from spectator viewing areas and parking areas. EXCEPTION: For movable ground pieces, such as wheels, this minimum distance shall be increased to ~~((150 feet (45.7 m)))~~ 125 feet (38 m).

(3) Mortars shall be separated from spectator viewing areas, parking areas and ~~((permanent structures as follows:))~~ occupied residences by at least 70 feet per inch of internal mortar diameter, except as noted.

~~((2-inch mortar.....50 feet (15.2 m) — 5-inch mortar...100 feet (30.5 m)
— 3, 4-inch mortar...75 feet (22.9 m) — 6-inch mortar...150 feet (45.7 m)))~~

MINIMUM RADIUS OF DISPLAY SITE FOR OUTDOOR DISPLAY OF FIREWORKS

Mortar Sizes	Minimum Radius of Display Site
Under 3 in.	140 ft.
3 in.	210 ft.
4 in.	280 ft.
5 in.	350 ft.
6 in.	420 ft.
8 in.	560 ft.
10 in.	700 ft.

Mortar Sizes	Minimum Radius of Display Site
12 in.	840 ft.
Over 12 in.	As approved by local fire official

(4) Mortars shall be separated from public buildings or hazardous storage facilities by a minimum distance of 500 feet (152.4 m):

(5) A clear landing area of at least 150 feet (45.7 m) shall be provided in the trajectory direction of the mortar: Distances from bulk storage areas of materials that have a flammability, explosive, or toxic hazard shall be twice that required in the table.

(5) Distances from health care and detention and correctional facilities shall be at least twice the distances specified in the table.

(6) The potential landing area shall be a large, clear, open area which has been approved by the local fire official.

(7) Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

(8) When mortars are positioned vertically, the mortars shall be placed at the approximate center of the display site.

(9) When aerial shells are to be stored at the discharge site for subsequent loading into mortars during the display, mortars shall be placed at least 1/6, but not more than 1/3, the distance from the center of the display site toward the main spectator area. The mortars shall be angled such that any dud shells will fall at a point approximately equal to the offset of the mortars from the center of the display site but in the opposite direction.

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

WAC 212-17-330 PUBLIC DISPLAY—OPERATION. General requirements.

(1) The licensee of the display shall provide adequate fire protection for the display, as required by the local fire official.

(2) The licensee shall consult with the local fire official to determine the level of fire protection and crowd control necessary.

(3) Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area by the licensee. The local fire and/or police officials shall determine the number of monitors needed and their placement.

(4) Monitors shall be located around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display. Where practical, fences and rope barriers shall be used to aid in crowd control.

(5) If, in the opinion of local fire and/or police officials or the pyrotechnic operator, lack of crowd control

should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

(6) The pyrotechnic operator has the primary responsibility for safety. While the operator is allowed to actively participate in the firing of the fireworks display, the operator shall not become so busy as to allow interference with attention to safety.

(7) The pyrotechnic operator is responsible to ensure that a sufficient number of assistants are on hand for the safe conduct of the fireworks display. Only the operator and necessary assistants shall be permitted in the discharge area while the display is in progress.

(8) The pyrotechnic operator is responsible to ensure that all assistants are fully trained in the proper performance of their assigned tasks, and that they are knowledgeable of safety hazards.

(9) If, at any time, high winds or unusually wet weather prevail, such that in the opinion of local officials or the pyrotechnic operator a definite danger exists, the public display shall be postponed until weather conditions improve to an acceptable level.

~~((7))~~ (10) Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather by suitable means until immediately prior to use.

~~((8))~~ (11) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

~~((9))~~ (12) No smoking or open flames shall be allowed in the shell storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

AMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

WAC 212-17-335 PUBLIC DISPLAY—FIRING OF SHELLS. (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

Exception: Alternatively, electrical ignition may be used.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

Exception: Where electrical ignition is used.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of ~~((five))~~ fifteen minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

Exception: When electrical ignition is used and the firing failure is electrical in nature or the aerial shell was intentionally not fired, the shell may be salvaged by the pyrotechnic operator.

(11) It is the responsibility of the person igniting the aerial shells to detect when a shell does not fire from a mortar. The person shall warn others in the area and shall immediately cause the mortar to be marked to indicate the presence of an unfired aerial shell.

Exception: When electrically firing, it is not necessary to mark the mortar; however, persons entering the area after the fireworks display shall be warned that an unfired shell remains.

(12) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

~~((+2))~~ (13) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

~~((+3))~~ (14) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

~~((+4))~~ (15) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected early the following morning.

~~((+5))~~ (16) The operator of the display shall keep a record, on a form provided by the director of fire protection, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the director of fire protection. Failures shall also be reported to the supplier.

Purpose: Reporting requirements necessary to monitor net income; and establish guidelines for regulating maximum expenses related to pull tabs, punchboards and snack bars.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-022, 230-08-120, 230-08-125, 230-20-064 and [new section] 230-30-052.

Statutory Authority for Adoption: RCW 9.46.070 (1)(16).

Pursuant to notice filed as WSR 90-05-034 on February 14, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 230-08-120 and 230-08-125, house-keeping change to clarify the method of recording donated prizes.

Effective Date of Rule: July 1, 1990.

April 19, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 201, filed 11/27/89)

WAC 230-02-022 COST DEFINED. "Cost" means the monetary value paid or owed by the purchaser, for any gambling or nongambling product or service, at the time of the transaction and documented on the sales receipt/transfer document. "Cost" ~~((includes))~~ excludes all sales taxes paid by the purchaser. "Cost" does not include any markup or value added by the purchaser.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89)

WAC 230-08-120 QUARTERLY ACTIVITY REPORT BY OPERATORS OF BINGO GAMES (LICENSE CLASS D AND ABOVE). Each organization licensed to conduct bingo games in Class D and above shall submit an activity report to the commission concerning the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st
April 1st through June 30th
July 1st through September 30th
October 1st through December 31st

If the licensee does not renew its license, then it shall file a report for the period between the previous report filed and the expiration date of its license.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the highest ranking officer or his/her designee. If the report is prepared by someone other than the licensee or an employee, then the preparer shall also sign the report and print his/her name and phone number on the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

WSR 90-10-007

PERMANENT RULES

GAMBLING COMMISSION

[Filed April 19, 1990, 2:45 p.m., effective July 1, 1990]

Date of Adoption: April 13, 1990.

(1) The gross gambling receipts from bingo, by month.

(2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out by month. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization.

(3) The net gambling receipts, by month.

(4) Full details on all expenses directly related to bingo, including at least the following:

(a) Wages, monies, or things of value paid or given to each person connected with the management, promotion, conduct or operation of the bingo game together with an attachment setting out the following:

(i) Name;

(ii) Duties performed;

(iii) Hours worked; and

(iv) Wages, monies or things of value paid or given for conducting bingo activities. When an employee works in more than one activity, the total hours worked and total wages shall also be reported,

(b) A statement describing the allocation method used in allocating common use expenses; and

(c) A detailed listing of all items included under "other."

(5) The net income.

(6) The total number of customers participating.

(7) The total number of sessions held.

(8) Net income from the operation of retail sales activities operated in conjunction with bingo games.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89)

WAC 230-08-125 ANNUAL ACTIVITY REPORTS BY OPERATORS OF CLASS A, B, AND C BINGO, ALL CLASSES OF RAFFLES, AND BONA FIDE CHARITABLE OR NONPROFIT AMUSEMENT GAMES. Each licensee for the operation of all classes of raffles and bona fide charitable or nonprofit amusement games, and Class A, B, or C bingo games shall submit to the commission an annual summary of each separate licensed activity on a form supplied by the commission.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the expiration of such organization's license year. The report shall be signed by the highest ranking officer or his/her designee. If the report is prepared by someone other than this officer, then the preparer shall include his/her name and phone number on the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

(1) The gross gambling receipts from the conduct of each licensed activity;

(2) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization;

(3) The net gambling receipts for each activity;

(4) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person. Provided that RCW 9.46-.0277 and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle;

(5) The net income from each activity;

(6) The total number of sessions conducted during the year; and

(7) The total number of players participating in bingo games.

(8) Net income from the operation of retail sales activities operated in conjunction with bingo games.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89)

WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES—NET INCOME REQUIRED. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to ~~((operate))~~ conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "D" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; net income predictions; and any other information requested by the commission.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license. ~~((Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in any quarter must report such to the commission, no later than 15 days following the end of the quarter and provide the commission additional reports as necessary to monitor progress toward compliance.))~~

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, ~~((adjusted))~~ combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period ~~((Any licensee who reports net income more than two percentage points (2.0%) below the minimum annual license period requirement for its class during any quarter must report to the commission additional reports necessary to monitor progress toward compliance.))~~: Provided, that local gambling taxes paid or accrued will be allowed as a

credit when computing net income for bingo and punchboards and pull tabs. Provided further, ((F)) that net income limits, as set out in Table 1. below, for bingo games located in jurisdictions which do not authorize punchboards and pull tabs shall be ((allowed the following expense credit for measuring compliance with this subsection:)) reduced by the following adjustments:

- (a) Class D, E, or F ((=)) : less 1.0%
- (b) Class G, H, I, or J ((=)) : less 2.0%
- (c) Class K and above ((=3.0)) : less 2.5%
- (4) Reporting requirements. Any licensee who:

(a) Exceeds the maximum calendar quarter prize payout limit by more than two percentage points (2.0%) in any quarter must report such to the Commission, no later than 15 days following the end of the quarter and provide the Commission additional reports determined by the staff as necessary to monitor progress toward compliance.

(b) Exceeds the annual minimum net income requirements by more than two percentage points (2.0%) during any quarter must provide the Commission additional reports determined by the staff as necessary to monitor progress toward compliance.

Table 1.

Group	License Class	Annual Gross Receipts	Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual ((Adjusted)) Minimum Net Income((-)) ((Minimum)) Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Pull Tabs **
I	A	Up to \$ 10,000	No Limits	No Limits	((None)) No Limits ***	No Limits ***
	B	\$ 10,001- 50,000	No Limits	No Limits	((None)) No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	((None)) No Limits ***	No Limits ***
II	D	100,001- 300,000	Max of 85.0%	Max of 86.5%	At least 2.0%	At least 3.0%
	E	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least 3.0%	At least 4.0%
	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least 4.5%	At least 5.5%
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least 6.0%	At least 8.0%
	H	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least 8.0%	At least 10.0%
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	At least 10.0%	At least 12.0%
III	J	2,500,001- 3,000,000	Max of 74.0%	Max of 75.0%	At least 12.0%	At least 14.0%
	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least 13.5%	At least 16.0%
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%
	M	Over 4,000,000	Max of 70.0%	Max of 71.0%	At least 15.5%	At least 18.0%

* = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

** = Combined net income from punchboards/pull tabs, bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

*** = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

(1) Class A and B licensees – Net income of at least 5.5%, before deduction of local taxes; and

(2) Class C and above licensees – Net income of at least 7.0%, before deduction of local taxes.

WSR 90-10-008
PROPOSED RULES
GAMBLING COMMISSION
 [Filed April 19, 1990, 2:46 p.m.]

Original Notice.

Title of Rule: WAC 230-08-260 Fund raising events—Activity report required; 230-46-025 Telephone charges—Valuable consideration; 230-50-560 Adjudicated proceeding—Review of initial order—Replies—Reconsideration—Final orders; and 230-50-580 Adjudicated proceedings—Hearings—Forms.

Purpose: To clarify reporting requirements regarding donated prizes; formalize policy in regards to the use of 1-900 numbers utilized as promotional contests of chance; to establish a method of proceeding to a final order without a secondary review process; and to simplify paperwork in adjudicated hearing process and provide for a uniform settlement procedure.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 9.46.0355 and 9.46.070 (11)(13)(14)(20).

Statute Being Implemented: Chapter 9.46 RCW.

NEW SECTION

WAC 230-30-052 PUNCHBOARDS AND PULL TABS OPERATED BY CHARITABLE OR NON-PROFIT ORGANIZATIONS – NET INCOME REQUIRED. Charitable or nonprofit organizations operating punchboards and pull tabs shall not pay excessive expenses. To ensure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, net income, as a percentage of gross receipts, shall not be less than the limits set out in subsections (1) and (2) below when measured over the annual license period. The limits set out in Table 1. of WAC 230-20-064 shall apply to organizations operating punchboards and pull tabs in conjunction with a bingo game. Net income limits:

Summary: Clarification of reporting requirements for donated prizes; formalize policy regarding promotional contests of chance; provides a means of proceeding to a final order without a secondary review process; and provides for uniform settlement procedure and simplifies paperwork in adjudicated hearing process.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, Lacey, Washington, 438-7640; Implementation: Ronald O. Bailey, Director, Lacey, Washington, 438-7640; and Enforcement: Richard G. Nicks, Assistant Director, Lacey, Washington, 438-7640.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies reporting requirements regarding donated prizes; formalizes policy regarding the use of 1-900 numbers utilized as promotional contests of chance; establishes a method of proceeding to a final order without a secondary review process; and simplifies paperwork in adjudicated hearing process and provides for a uniform settlement procedure.

Proposal does not change existing rules.

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

Hearing Location: Cavanaugh's Inn at the Park, West 303 No. River Drive, Spokane, WA 99201, on June 8, 1990, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by June 8, 1990.

Date of Intended Adoption: June 8, 1990.

April 19, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 181, filed 7/11/88)

WAC 230-08-260 FUND RAISING EVENTS—ACTIVITY REPORT REQUIRED. Each licensee for the operation of fund raising events shall submit an activity report to the commission concerning the operation of the licensed activities and other matters set forth below for the period of each event.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission no later than 30 days following the authorized operating days or day.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee, then the preparer shall sign the report.

The report shall include, among other items, the following information:

- (1) The gross receipts from each separate gambling activity;
(2) Total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually given out for each separate gambling activity. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization;
(3) The net receipts for each separate gambling activity;
(4) The total net receipts;
(5) Full details of all expenses directly related to each event.

NEW SECTION

WAC 230-46-025 TELEPHONE CHARGES - VALUABLE CONSIDERATION. Any participant required to place a telephone call as a means of entry for a promotional contest of chance, shall not

be required to pay any additional charges over and above the actual cost for placing such a call as established by a registered telephone company. Any charges over and above the actual cost of placing the telephone call, such as those associated with a 1-900 number whereby an additional service fee or other charges may be levied, shall be deemed a valuable consideration and beyond the allowable methods of entry authorized by RCW 9.46.0355.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-560 ADJUDICATED PROCEEDINGS—REVIEW OF INITIAL ORDER—REPLIES—RECONSIDERATION—FINAL ORDERS. Any party to an adjudicative proceeding may file a petition for review of an initial order.

(1) The petition for review shall be filed with the commission within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(2) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.

(3) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

(4) At least a majority of the commission members shall review the petition within 120 days after the petition was filed and render a final order in accordance with WAC 10-08-210.

(5) A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission in accordance with WAC 230-50-210 within ten days of the service of the final order. Such petition shall be administered in accordance with RCW 34.05.470.

(6) An initial order issued by an administrative law judge or the commission shall become the final order in the proceedings unless a petition for reconsideration is filed in accordance with the requirements of this rule.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-580 ADJUDICATED PROCEEDINGS - HEARINGS - FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1) STATE OF WASHINGTON GAMBLING COMMISSION
In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of
Licensee.
NO. _____
NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATED PROCEEDING

((RONALD O. BAILEY)) (Director's Name) alleges as follows:

I
He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

II
Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III
_____ has been issued the following license(s) by the Washington State Gambling Commission, which license(s) (was/were) issued subject to compliance by the licensee with state laws and rules of the Commission.

- A. License Number _____ Authorizing _____ Activity
B. License Number _____ Authorizing _____ Activity
C. License Number _____ Authorizing _____ Activity

IV

(Attach Recital Of Charges)

(Appropriate Roman Numeral)

The charges specified in paragraphs ___ through ___ above constitute grounds for the ___ day suspension, or revocation of the license(s) held by ___ to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

(Appropriate Roman Numeral)

The (licensee/applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicative Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSITION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON }
COUNTY OF THURSTON } ss.

((Ronald O. Bailey)) (Director's Name), being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

((Ronald O. Bailey))
(Director's Name)

SUBSCRIBED AND SWORN TO before me this ___ day of ___, 1989.

NOTARY PUBLIC in and for the State of Washington residing at _____

(2) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of

NO. _____

APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING

(Licensee/Applicant.)

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission
4511 Woodview Drive SE Mail Stop QB-11
Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature
1) I want to have a hearing in this Adjudicated Proceeding
2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
Name
Address
Phone Number
3) I will NOT be represented by an attorney in this matter.
4) I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.

Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement
I did NOT attach a letter or statement

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this ___ day of ___, 1989

** SIGN HERE **
LICENSEE OR REPRESENTATIVE

(3) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of

NO. _____

(Licensee/Applicant)

APPLICATION FOR AN ADJUDICATED PROCEEDING AND REQUEST FOR HEARING WITH OFFER OF SETTLEMENT

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission
4511 Woodview Drive SE Mail Stop QB-11
Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to ((request)) apply for an ADJUDICATIVE PROCEEDING which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing-impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature
1) I want to have a hearing in this Adjudicated Proceeding
2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:
Name
Address
Phone Number
3) I will NOT be represented by an attorney in this matter.
4) I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.
5) I will agree to a stipulated settlement as stated on Page 3 and have signed the order on page 4.

Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement
I did NOT attach a letter or statement

A hearing, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS ADJUDICATIVE PROCEEDING AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this ___ day of ___, 1989

** SIGN HERE **
LICENSÉE OR REPRESENTATIVE

I will agree to a stipulated settlement in this matter and the entry of ((an)) the attached order on the following terms:

- A suspension of ___ days for my ___ gambling license(s).
A fine of ___ in lieu of the ___ day suspension of my ___ gambling license(s).

Th((is)) e order ((will)) find that the violation(s) were in fact committed.

((The staff of the Commission will contact me regarding the dates for the suspension and/or payment of the fine.)) The dates for the suspension or fine will be a stated in the order. (Insert name of commission staff member) of the staff of the Commission can be contacted regarding changing the dates for the suspension and/or payment of the fine before the order is signed.

The dates of the suspension ((will be)) as set are no more than 90 calendar days from the date of ((return of this form to the Commission)) mailing of this form to you and the fine ((will be)) is due PRIOR to the dates of the suspension.

By signing as indicated I agree to this settlement.

** SIGN HERE **
LICENSÉE OR REPRESENTATIVE
DATE

YOU MUST ALSO SIGN THE ORDER ON PAGE FOUR WHERE INDICATED.

(4)

STATE OF WASHINGTON
GAMBLING COMMISSION

Table with 2 columns: An Adjudicated proceeding in the matter of the Suspension or Revocation of the license(s) to conduct Gambling Activities of: and No. Stipulated Settlement from Written Pre Hearing Offer. Licensee

The licensee named hereon stipulates that the charges as set forth in the statement of charges attached hereto occurred and agrees to entry of a finding as such and conclusion of law or the violations.

That (Licensee's Name) has been issued (a) license(s) to conduct gambling activity(ies), as follows:

Table with 2 columns: License Number (Insert License #) and Authorizing (Type of Activity)

That the following is entered as the Final Order on these charges.

That the license(s) of (Licensee's Name) to conduct (Type of activity) activity(ies) is hereby suspended for a term of () days commencing (date suspension to start) and running through and including (date suspension will end). Provided further, that in lieu of said suspension the licensee may pay a fine of (\$ amount) on or before (Date).

Signed and dated this ___ day of ___, 1990.

(Name)
Administrative Law Judge

(Licensee) or representative

(Asst. Attorney General)

(5)

STATE OF WASHINGTON
GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant).

NO.
NOTICE OF HEARING

(ATTACH RECITAL OF CHARGES)

That the licensee(s) (was/were) previously notified of the administrative charges pending and (has/have) made a timely application for adjudicated proceeding and request for hearing. Based upon that request, a hearing will be conducted by Administrative Law Judge of ___, phone number ___, on all charges as stated pursuant to WAC 230-50-010.

That the agency will be represented at the hearing by ___, Assistant Attorney General of ___, phone number ___. The licensee will be represented by ___ of ___, phone number ___.

That the hearing is set for ___ at the hour of ___, in the city of ___ at ___. The hearing is being conducted under the authority of chapter 9.46 RCW and amendments thereto, and will be conducted pursuant to chapter 34.05 RCW and 230-50 WAC. Should the licensee and representatives fail to appear at the hearing as scheduled a default order pursuant to RCW 34.05.440 will be entered.

The proceeding will determine whether a suspension/revocation/or denial should be imposed.

Chapter 308-14 WAC
COURT REPORTERS

((Ronald O. Bailey))
(Director's Name)

((6)) (6)

STATE OF WASHINGTON
GAMBLING COMMISSION

An Adjudicated Proceeding In the
Matter of the (Suspension/Revo-
cation/Denial) of the (License/
Application to Conduct Gambling
Activities of:

Licensee.

No.
REQUEST FOR INTERPRETER
AND/OR TRANSLATION OF
DOCUMENTS

I, being a party in this proceeding hereby state that I am a limited
English speaking person or hearing impaired person or that I will be calling a
witness who is a limited English speaking or hearing impaired person and that
(I/they) require an interpreter as indicated below:

(Check all items that apply and fill in the blank spaces.)

- I will require an interpreter for the language.
I will require an interpreter for a hearing impairment.
I will be calling a limited English speaking witness who will require an
interpreter in the language.
I will be calling a hearing impaired person who will require an
interpreter.
I request all documents in this proceeding be translated into the
language.

Signed:
Dated:

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 pub-
lished above varies from its predecessor in certain respects not indicat-
ed by the use of these markings.

Reviser's note: The typographical errors in the above section oc-
curred in the copy filed by the agency and appear in the Register pur-
suant to the requirements of RCW 34.08.040.

WSR 90-10-009
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed April 20, 1990, 8:25 a.m.]

Date of Adoption: April 19, 1990.

Purpose: To adopt WAC to implement chapter 18.145
RCW detailing application, and renewal procedures and
fees.

Statutory Authority for Adoption: Chapter 18.145
RCW and RCW 43.24.086.

Pursuant to notice filed as WSR 90-05-058 on Feb-
ruary 21, 1990.

Changes Other than Editing from Proposed to Adopt-
ed Version: Reduction in application fees.

Effective Date of Rule: Thirty days after filing.

April 19, 1990
Marsha Tadano Long
Assistant Director

NEW SECTION

WAC 308-14-080 CERTIFICATION REQUIRE-
MENTS—PERMANENT AND TEMPORARY CER-
TIFICATES. (1) The department of licensing will issue
a certificate to practice as a court reporter or shorthand
reporter to an individual who meets the following
requirements:

- (a) Submits a complete application with the required
fee;
(b) Passes the required examination;
(c) Is of good moral character;
(d) Has not engaged in unprofessional conduct;
(e) Has no physical or mental impairment that would
render the applicant unable to practice with reasonable
skill and safety; or

(f) The provisions of WAC 308-14-110.
(2) An individual may be issued a temporary certifi-
cate for one year if evidence is submitted showing the
achievement and award of any of the following:

- (a) National Shorthand Reporters Association certifi-
cate of proficiency;
(b) Registered professional reporter certificate or cer-
tificate of merit;
(c) A current court reporter or shorthand reporter
certification, registration, or license of another state; or
(d) A certificate of graduation from a court reporting
school.

The temporary certificate will be valid for one year.
Within one year of issuance of a temporary certificate,
passage of the Washington license state examination is
required. This certificate may be extended beyond the
one-year limit only by the director if extraordinary cir-
cumstances are shown.

NEW SECTION

WAC 308-14-090 APPLICATION. (1) Applica-
tions for temporary and permanent certification must be
complete in every detail and submitted with the required
fee. Complete applications will contain the following
information:

- (a) Name and address
(b) Business name and address
(c) Birth place and date
(d) Social Security number
(e) Educational background
(f) Previous work experience in court reporting
(g) List of references (references must have personal
knowledge that the applicant has at least two years of
court reporting experience)
(h) Professional licensure/certification, including any
action taken against the license or certificate
(i) Personal affidavit
(j) Copies of school transcripts and/or graduation
certificate (if required).

(2) An applicant holding a temporary certificate must
submit a complete updated application and fee for per-
manent certification. The application must be received at
least eight weeks prior to the examination date.

NEW SECTION

WAC 308-14-100 LICENSE RENEWAL—PENALTIES. (1) Certification must be renewed on or before the expiration date shown on the certificate. The expiration date is the certificate holder's birthdate. Failure to renew the certificate by the expiration date will result in a penalty fee in an amount determined by the director. Certification may be reinstated for up to three years by payment of all renewal fees and a penalty fee for the period for which the certification had lapsed.

(2) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a "shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter" until the certificate has been reinstated.

(3) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state-approved examination. Upon passage of the exam a certificate will be issued.

NEW SECTION

WAC 308-14-110 PERSONS PRACTICING AS OF THE EFFECTIVE DATE OF THIS CHAPTER.

(1) Anyone who has two or more years experience in court reporting or shorthand reporting in Washington state as of September 1, 1989, may apply for certification without examination, upon compliance with the following:

- (a) Completed application and fee must be submitted by September 1, 1990;
- (b) Is of good moral character;
- (c) Has not engaged in unprofessional conduct; and
- (d) Has no physical or mental impairments that would render the applicant unable to practice with reasonable skill and safety.

(2) Shorthand reporters with less than two years of experience in Washington state may apply for a temporary certificate. Passage of the Washington state examination is required within one year of the issuance of the temporary certificate. An individual issued a temporary certificate must submit an application and fee to apply for permanent certification. The application and fee must be received at least eight weeks prior to the approved examination. The temporary certificates expire one year from the date of issuance. The certificate may be extended beyond the one-year limit only by the director if extraordinary circumstances are shown.

(3) This section expires September 1, 1990.

(4) An individual who holds a temporary certificate and wishes to apply for permanent certification must submit an updated application and fee in order to be scheduled for the examination. The application and fee must be received at least eight weeks prior to the examination date. A completed application with fee and verification of experience must be submitted to: Department of Licensing, Court Reporters Section, P.O. Box 9649, Olympia, WA 98504.

NEW SECTION

WAC 308-14-200 SHORTHAND REPORTING FEES. The following fees shall be charged by the professional licensing services division, department of licensing:

Title of Fee	Fee
Certification	
Application	\$125.00
Renewal	100.00
Late renewal penalty	100.00
Verification	25.00
Duplicate	15.00
Temporary certification	
Application	125.00
Verification	25.00
Duplicate	15.00

**WSR 90-10-010
PERMANENT RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)**

[Filed April 20, 1990, 8:45 a.m., effective August 1, 1990]

Date of Adoption: April 5, 1990.

Purpose: Amending WAC 308-124H-035, 308-124H-036 and 308-124H-037; repealing WAC 308-124H-020, 308-124H-030, 308-124H-033, 308-124H-038, 308-124H-040, 308-124H-043, 308-124H-045, 308-124H-050, 308-124H-055, 308-124H-060, 308-124H-065 and 308-124H-070; and new sections WAC 308-124H-011, 308-124H-021, 308-124H-025, 308-124H-041, 308-124H-051, 308-124H-061, 308-124H-062, 308-124H-210, 308-124H-220, 308-124H-230, 308-124H-240, 308-124H-250, 308-124H-260, 308-124H-270, 308-124H-280, 308-124H-290, 308-124H-300, 308-124H-310, 308-124H-320, 308-124H-330, 308-124H-340, 308-124H-510, 308-124H-520, 308-124H-530, 308-124H-540, 308-124H-550, 308-124H-560, 308-124H-570 and 308-124H-580.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 18.85.040.

Pursuant to notice filed as WSR 90-05-072 on February 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: Deleted last sentence in WAC 308-124H-520(7).

Effective Date of Rule: August 1, 1990.

April 5, 1990
Mary G. Faulk
Director

Chapter 308-124H WAC
REAL ESTATE COURSE((S)) APPROVAL—REG-
ULATION OF REAL ESTATE BROKERS AND
((SALESMEN)) SALESPERSONS

PART A
COURSE APPROVAL

NEW SECTION

WAC 308-124H-011 COURSE APPROVAL REQUIRED. Any school or instructor desiring to offer clock hour courses must be approved by the department prior to the date on which it first offers courses for clock hour credit.

NEW SECTION

WAC 308-124H-021 APPROVAL OF COURSES. (1) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by the department. Only complete applications for approval shall be accepted by the commission.

(5) Approval shall expire two years after the effective date of approval. If an application for renewal of approval is submitted at least thirty days prior to the expiration date, approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

NEW SECTION

WAC 308-124H-025 APPLICATION FOR COURSE APPROVAL. Courses shall meet the following requirements:

(1) Provide practical information related to the practice of real estate, and deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, and deposit receipts and earnest money agreements. Courses which will assist the licensee in improving their business skills and business management need not include substantive real estate subject matter;

(2) Have a minimum of three hours of classroom work for the student. A classroom hour is a period of fifty minutes of actual classroom or workshop instruction, exclusive of examination time;

(3) Be under the supervision of an approved instructor approved to teach the course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded

audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ten questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(5) Include textbook or instructional materials approved by the director, which shall be kept accurate and current. Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(6) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," or "real estate law" if submitted for approval for clock hours in real estate fundamentals pursuant to WAC 308-124H-035, real estate brokerage management pursuant to WAC 308-124H-036, or real estate law pursuant to WAC 308-124H-037. No other courses shall use these phrases in their titles;

(7) Not have a title which misleads the public as to the subject matter of the course;

(8) Be offered by a tax-supported, public vocational-technical institution, community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(9) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material, for approval by the director;

(10) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308-124J WAC;

(11) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax-supported, public vocational-technical institution, community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (5) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law and brokerage management courses required under RCW 18.85.090.

AMENDATORY SECTION (Amending Order PM 811, filed 12/7/88)

WAC 308-124H-035 REAL ESTATE FUNDAMENTALS COURSE CONTENT. ((Schools)) When applying for approval of real estate fundamentals ((with)) follow the outline prescribed below((-)).

The real estate fundamentals course ((with)) required by RCW 18.85.095 shall be completed, within five years prior to applying for examination and shall include:

Fiduciary commitment, agency, ethics, real estate law and agency relationships and disclosure rules	4 hours
Market analysis	3 hours
Contracts and documents	9 hours
Financing (including qualifying the buyer)	8 hours
Closing (costs etc.)	3 hours
Government rules and regulations	3 hours

AMENDATORY SECTION (Amending Order PM 595, filed 5/12/86, effective 10/1/86)

WAC 308-124H-036 REAL ESTATE BROKERAGE MANAGEMENT COURSE CONTENT. ((Schools)) When applying for approval of real estate brokerage management ((with)) follow the outline prescribed below((-)).

The real estate brokerage management course ((with)) required by RCW 18.85.090 shall include:

Agency and Washington state law	3 hours
Government impact rules	3 hours
Trust account procedures	3 hours
Basic management concepts relative to real estate brokerage	3 hours
Planning and organizing a real estate office, staffing	6 hours
In house training (recruiting, selecting, training)	3 hours
Direction and control (marketing)	6 hours
Real estate and its future (horizontal and vertical expansion)	3 hours

AMENDATORY SECTION (Amending Order PM 606, filed 8/1/86, effective 10/1/86)

WAC 308-124H-037 REAL ESTATE LAW COURSE CONTENT. ((Schools)) When applying for approval of real estate law ((with)) follow the outline prescribed below.

The real estate law class ((with)) required by RCW 18.85.090 shall include:

Introduction to law and legal systems; land/property and related concerns	3 hours
Forms of ownership (including community property concepts); limited partnerships; easements; nonpossessory rights; leasehold estates and leases	3 hours

Title and transfer of title; title insurance; recording acts; conveyancing and closing	3 hours
Fraud and deceit; negligence; misrepresentation and agency, dual agency and unauthorized practice of law	6 hours
Contract law and documents (including options and options to purchase)	3 hours
Real estate security documents (real estate contracts, mortgages and deeds of trust)	3 hours
Landlord tenant, Washington State Fair Housing Law, discrimination, Regulation Z	3 hours
Condominiums, Cooperatives and Securities Law	1 hours
Public and Private Land Use Control Regulation, Duties and Liabilities of Licensees	2 hours
	3 hours

NEW SECTION

WAC 308-124H-041 CERTIFICATE OF COMPLETION. Each approved school shall issue a certificate of completion on a form, sample provided by the department, to students which shall include the following information:

- (1) School's identification number issued by the department of licensing;
- (2) Student's name;
- (3) The course commencement date and completion date;
- (4) Course title;
- (5) Clock hours for the course.

NEW SECTION

WAC 308-124H-051 DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION. (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved courses shall be subject to periodic visits by an official representative of the department who

shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-124H-061 GROUND FOR DENIAL OR WITHDRAWAL OF COURSE APPROVAL. Approval may be denied or withdrawn if the instructor or any owner, employee, or administrator of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;
- (11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;
- (12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;
- (13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";
- (14) Advertised false or misleading information;
- (15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;
- (16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-124H-062 HEARING PROCEDURE. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|--|
| WAC 308-124H-020 | ADMINISTRATION. |
| WAC 308-124H-030 | FILING OF COURSES. |
| WAC 308-124H-033 | UPDATING OF COURSE MATERIALS IN THE EVENT OF A STATUTE OR RULE CHANGE. |
| WAC 308-124H-038 | COURSE TITLES. |
| WAC 308-124H-040 | APPROVAL OF CLASSES. |
| WAC 308-124H-043 | TEMPORARY APPROVAL OF INSTRUCTORS. |
| WAC 308-124H-045 | RECORDKEEPING. |
| WAC 308-124H-050 | REVIEW APPLICATIONS. |
| WAC 308-124H-055 | BROKER REAL ESTATE EDUCATION REQUIREMENTS. |
| WAC 308-124H-060 | TEACHERS AND/OR INSTRUCTORS. |
| WAC 308-124H-065 | INSPECTION OF RECORDS. |
| WAC 308-124H-070 | COMPLETION OF COURSES. |

PART B SCHOOL APPROVAL

NEW SECTION

WAC 308-124H-210 SCHOOL APPROVAL REQUIRED. Any school desiring to offer clock hour courses must be approved by the department prior to the date on which it first offers courses for clock hour credit.

NEW SECTION

WAC 308-124H-220 APPROVAL OF SCHOOLS. (1) Each application for approval of a school shall be submitted to the department on the appropriate application form provided by the department by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve such applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval, or conditional approval the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by

the department. Only complete applications for approval shall be accepted by the commission.

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

(6) No school shall allow an instructor for whom approval is required to supervise a course for clock hour credit prior to approval of the instructor.

(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval. If an application for renewal of approval is submitted at least thirty days prior to the expiration date, approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(9) School names submitted that are similar to those previously approved shall not be granted approval.

NEW SECTION

WAC 308-124H-230 APPLICATION FOR SCHOOL APPROVAL. An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(3) The name(s) of the corporation, partnership, limited partnership or sole proprietorship, and the names, addresses and telephone numbers of all directors, with the exception of trade association directors, officers, and all those with ten percent or more ownership interest;

(4) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

(5) The administrator's name, address, telephone number, and evidence of previous experience in administration;

(6) The publication required under WAC 308-124H-260.

NEW SECTION

WAC 308-124H-240 ADMINISTRATOR QUALIFICATIONS. Each application from a school seeking approval or consideration of courses shall designate a person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate. In the

case of a public community college, university, or vocational-technical school, the head of the real estate department shall be conclusively presumed to meet the requirements.

NEW SECTION

WAC 308-124H-250 NOTICE OF ACTIONS BY GOVERNMENTAL ENTITIES OR ACCREDITING COMMISSIONS. School applicants and approved schools shall present the department with written details of any consent orders with the Federal Trade Commission and any final actions which have been taken against the school, its administrator, its owners, officers, or directors by any federal or state agencies, including courts or accrediting commissions, of which the school has knowledge and inform the department in writing of actions being taken to correct deficiencies cited. Directors, officers, and owners shall advise the administrator of any such actions taken against the directors, officers, or owners. School applicants and approved schools shall not purposely avoid gaining knowledge of such actions. Final actions shall not include traffic violations or traffic convictions. Directors of trade associations are exempt from this section.

NEW SECTION

WAC 308-124H-260 REQUIRED PUBLICATION. Each school shall have available to prospective and enrolled students a publication containing the following information:

(1) Date of publication;

(2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;

(3) A list of courses, including the clock hours approved for each course and the specific educational requirements under chapter 18.85 RCW that will be met by completion of the course. Such lists shall be accurate as of the date of publication;

(4) Description of all course prerequisites;

(5) The school's policy regarding:

(a) Admission procedure;

(b) Causes for dismissal and conditions for readmission;

(c) Attendance requirements, leave, absences, makeup work, and tardiness;

(d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;

(e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Professional Licensing Services, Real Estate/Escrow/Appraiser Section, P.O.

Box 9012, Olympia, Washington 98504 (206/753-0775)";

(7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

NEW SECTION

WAC 308-124H-270 COURSE DESCRIPTION. Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., classroom, lecture, audio visual, computer assisted) in the course and the length of time required for completion;
- (6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;
- (7) Name(s) of instructors when available;
- (8) Equipment and supplies which the student must provide;
- (9) Fees for the course;
- (10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course;
- (11) Cancellation policy;
- (12) Tuition refund policy.

NEW SECTION

WAC 308-124H-280 CERTIFICATE OF SCHOOL APPROVAL. Upon approval a school shall be issued a certificate of approval containing the school's name, address, identification number, date of approval, and name of administrator.

No school shall adopt or make a change in its name of its administrative office prior to payment of the required fee and receipt of a new certificate from the department.

NEW SECTION

WAC 308-124H-290 CHANGE OF OWNERSHIP OR CIRCUMSTANCES. A change in the sole proprietor of a school, in the majority interest of general partners of a partnership owning a school, or in a majority stock ownership of a school shall be deemed a change of ownership.

Upon change of ownership, administrator or address of school, approval shall continue provided that a new application for approval shall be submitted to the department within twenty days after a change of ownership, administrator, or address. The administrator must submit a notarized statement of the change asserting that all conditions required in these rules are being met. The school may continue to offer courses under the prior approval until action is taken on the new application.

In case of bankruptcy, a notarized statement reporting the information shall be filed with the department within twenty days.

Unless the above conditions are met, school approval shall be terminated upon a change of ownership.

NEW SECTION

WAC 308-124H-300 DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved schools shall be subject to periodic visits by an official representative for the department who shall observe classroom activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-124H-310 GROUNDS FOR DENIAL OR WITHDRAWAL OF SCHOOL APPROVAL. Approval may be denied or withdrawn if the instructor or any owner, employee, or administrator of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;

(11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-124H-320 HEARING PROCEDURE.

Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-124H-330 RECORD RETENTION.

(1) Each school shall maintain for a minimum of five years each student's record and each edition of a required publication;

(2) A "student record" shall include:

(a) The name, address, and telephone number of the school;

(b) Full name, address, and telephone number of the student;

(c) Beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;

(d) Clock hour courses completed and examination results.

(3) Each school shall provide a copy of a student's record to the student upon request.

NEW SECTION

WAC 308-124H-340 SCHOOL CLOSING/CHANGE OF STATUS. (1) A school shall make plans and take measures to protect the rights of present and former students if it goes out of business.

(2) Upon cessation of instruction or termination of approved status, a school shall immediately furnish to the department by certified mail or hand delivery:

(a) Its certificate of approval;

(b) Name, address, and telephone number of the person who will be responsible for closing arrangements;

(c) The student's name, address and telephone number, the name of the course, the amount of class time remaining to complete the course, and the total amount of tuition and fees paid by the student for the course;

(d) A copy of a written notice which shall be mailed to all enrolled students in clock hour courses who have not completed a current course because of cessation of instruction; the notice shall explain the procedures students must follow to secure refunds or to continue their education;

(e) Procedures for disbursement of refunds to enrolled students, in the full amount to which they are entitled, no later than thirty days from the last day of instruction.

(3) Upon closing, a school shall arrange for a person approved by the department to retain the records required under WAC 308-124H-330. If a school closes without arranging for record retention, the department may obtain the records to protect the former students.

PART C

INSTRUCTOR APPROVAL

NEW SECTION

WAC 308-124H-510 INSTRUCTOR APPROVAL REQUIRED. Any instructor desiring to teach clock hour courses must be approved by the department prior to the date on which the school first offers courses for clock hour credit.

NEW SECTION

WAC 308-124H-520 APPROVAL OF INSTRUCTORS. (1) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department and filed by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve instructor applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by the department. Only complete applications for approval shall be accepted by the commission.

(5) Approval shall expire two years after effective date of approval. If an application for renewal of approval is submitted at least thirty days prior to the expiration date, approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(6) No instructor for whom approval is required shall supervise a course for clock hour credit prior to approval of the instructor.

(7) Applicants shall identify on the application form the specific course he or she proposes to teach.

NEW SECTION

WAC 308-124H-530 **CERTIFICATE OF INSTRUCTOR APPROVAL.** Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, address, date of approval, and department identification number.

NEW SECTION

WAC 308-124H-540 **QUALIFICATIONS OF INSTRUCTORS.** Each instructor shall be qualified in techniques of instruction.

Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

(1) One hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the director;

(2) Possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);

(3) Successful completion of an instructor training course approved by the director upon recommendation of the commission and two years fulltime experience in real estate or a related field within the five years immediately preceding the date of application;

(4) A bachelors or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;

(5) A current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach.

(6) At least ninety clock hours as an instructor in real estate within two years preceding the application;

(7) Ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach.

(8) Instructors selected by national organizations who have courses currently approved by the director.

NEW SECTION

WAC 308-124H-550 **CHANGES IN INSTRUCTORS.** Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to WAC 308-124H-520.

NEW SECTION

WAC 308-124H-560 **DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION.** (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any instructor to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved instructors should be made in writing to the department and contain the following information when appropriate:

(a) The complainant's name, address, and telephone number;

(b) School name, address, and telephone number;

(c) Instructor(s) name;

(d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts, if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

(3) All approved instructors shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-124H-570 **FOUNDATIONS FOR DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL.** Approval may be denied or withdrawn if the instructor:

(1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;

(2) Falsified any student records or clock hour certificates;

(3) Falsified any application or any other information required to be submitted to the department;

(4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);

(5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;

(6) Failed to cooperate with the department in any investigation or hearing;

(7) Has been convicted of a crime;

(8) Violated any of the provisions of any local, state, or federal antidiscrimination law;

(9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours which the course was approved.

(11) Accepted registration fees and not supplied the service or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-124H-580 HEARING PROCEDURE. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

WSR 90-10-011

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-29—Filed April 20, 1990, 1:18 p.m.]

Date of Adoption: April 19, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000T.

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: Higher than anticipated survival of razor clams has provided more harvest opportunity than thought previously available.

Effective Date of Rule: Immediately.

April 19, 1990
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-36000U RAZOR CLAMS—AREAS AND SEASONS. It is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3 except as provided for in this section:

(1) Effective immediately through April 29, 1990, razor clam digging is allowed from 12:01 a.m. through 11:59 a.m. on odd numbered days, only.

(2) Effective May 1 through May 15, 1990, razor clam digging is allowed north of Brown's Point, Grays Harbor County, from 12:01 a.m. through 11:59 a.m. on odd-numbered days, only.

(3) It is unlawful to dig for razor clams at any time in the Long Beach or Copalis Beach Razor Clam Sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000T RAZOR CLAMS—AREAS AND SEASONS. (90-25)

WSR 90-10-012

EMERGENCY RULES

WESTERN WASHINGTON UNIVERSITY

[Filed April 20, 1990, 1:21 p.m.]

Date of Adoption: April 6, 1990.

Purpose: Continue in effect emergency rules adopted in December 1989 relating to campus health and safety, WAC 516-52-020.

Citation of Existing Rules Affected by this Order: Amending new section WAC 516-52-020.

Statutory Authority for Adoption: RCW 28B.35.120 (1) and (12).

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 board of trustees wishes to receive further input regarding WAC 516-52-020 and intends to take up the permanent rule adoption at its June meeting.

Effective Date of Rule: April 30, 1990.

April 18, 1990
Wendy Bohlke
Assistant Attorney General

AMENDATORY SECTION (Amending Order 12-5-85, filed 1/8/86)

WAC 516-52-001 SMOKING ON CAMPUS. Smoking shall not be permitted in any building on campus except in (1) clearly posted areas designated by the

president or his designee, ~~((and))~~ and (2) private enclosed inner faculty and administrative offices at the discretion of the individual in charge of each office.

NEW SECTION

WAC 516-52-020 FIREARMS AND DANGEROUS WEAPONS. (1) *Illegal possession, carrying or discharge of any explosive firearm, or other weapon (including shotguns, rifles, pistols, air guns, and pellet guns) is prohibited. Only such persons who are authorized to carry firearms or other dangerous chemicals or weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, may possess firearms or any other dangerous chemicals or weapons issued for their possession by their law enforcement agencies while on the campus or other university-controlled property, including residence halls, except in transit to approved storage. No one may possess explosives unless licensed to do so for purposes of conducting activities relating to building construction or demolition.*

(2) *Anyone who wants access to any firearm or weapon while on campus must immediately place the firearm(s) or weapon(s) in the university-provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at the university public safety department.*

WSR 90-10-013
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed April 20, 1990, 3:59 p.m.]

Date of Adoption: April 20, 1990.

Purpose: To provide accountability and to clarify proper use of the dealer temporary permits; and to increase the time period during which a vehicle title may be transferred.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-420 and 308-66-190.

Statutory Authority for Adoption: RCW 46.70.160.

Pursuant to notice filed as WSR 90-06-022 on February 28, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 19, 1990

Mary Faulk

Director

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-420 DELIVERY OF VEHICLE ON DEALER'S TEMPORARY PERMIT. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle that does not bear currently valid Washington license plates by utilizing a dealer's temporary license permit.

(2) The application for title portion of the permit must be properly and completely filled out by the selling

dealer, detailing all fees collected, including the dealer's report of sale and the date of sale. If ~~((a-tonnage))~~ license is required, based on gross weight, the amount of ~~((tonnage))~~ gross weight purchased must be clearly shown. The application must be signed by the registered owner.

(3) The dealer shall collect all fees required for the registration of a vehicle.

(4) The dealer shall detach the final copy of the permit and shall record the date of ~~((issuance))~~ expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be thirty days after date of delivery of the vehicle. The ~~((balance of the))~~ remaining permit copies shall be ~~((presented to a license agent))~~ used by the dealer to apply for title transfer and to complete licensing of the vehicle within ~~((fifteen))~~ thirty calendar days ~~((as an application for license and title))~~ from the date of sale. The selling dealer must submit the application and all title/licensing fees collected to the department of licensing or its agent within the thirty-day period.

~~((4))~~ (5) The final copy of the permit and a purchase order identifying the sale must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

~~((5))~~ (6) If the vehicle is designed with a rear window, the permit will be attached to the inside of the rear window in the lower left corner with the large numbers visible to one standing or following at the rear of the vehicle. The means of attachment will not obscure the year, make, identification number, the owner's name and address or the date of issue.

~~((6))~~ (7) The dealer's temporary license permit is valid for ~~((only fifteen))~~ thirty calendar days following the date of ~~((sale))~~ delivery of vehicle.

~~((7))~~ (8) The dealer's temporary license permit cannot:

(a) Be issued for a dealer inventory or a dealer or ~~((a))~~ dealer-employee operated vehicle~~((-It cannot))~~;

(b) Be issued as a demonstration permit;

(c) Be issued for a vehicle processed as a courtesy delivery.

~~((8))~~ (9) Fees paid for dealers' temporary license permit applications are not refundable unless the dealer ceases doing business as a vehicle dealer. The fee paid for a single application can be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

~~((9))~~ A temporary permit application must be used within twelve months of its date of purchase by a dealer. An unused, expired permit application may be exchanged by a dealer for a new permit by returning it to the department. The expired form to be exchanged must be completely in blank except for the department's date of sale stamp.)

(10) ~~((Temporary permits are not transferable from one dealer to another))~~ The dealer shall maintain records of temporary permit acquisition and distribution including the following:

(a) Vehicle purchaser's names;

(b) Vehicle identification;

(c) Date of vehicle delivery; and

(d) Date and location of purchase of each permit and the permit number.

AMENDATORY SECTION (Amending Order MV 170, filed 7/16/73)

WAC 308-66-190 TRANSFER OF CERTIFICATE OF TITLE BY DEALER. (1) When a vehicle displaying current Washington plates is sold by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within ~~((ten))~~ thirty days following the sale of the vehicle.

(2) The dealer shall in every case sign or type his name on the certificate of title accompanying the transfer. If an authorized agent signs for the dealer, he shall give his title.

(3) The name and address of the previous registered owner shall be shown on the application for transfer of title.

(4) The dealer shall insert the odometer mileage reading on title applications as required by RCW 46.12.120.

WSR 90-10-014

RULES COORDINATOR

**OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed April 20, 1990, 4:01 p.m.]

This is to inform you that our new rules coordinator is Eflada R. Reyes. Her mailing address is: Office of Minority and Women's Business Enterprises, 406 South Water, FK-11, Olympia, WA 98504-4611, (206) 753-9691, 234-9691 scan.

James A. Medina
Director

WSR 90-10-015

PROPOSED RULES

**DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed April 23, 1990, 10:30 a.m.]

Continuance of WSR 90-07-054.

Title of Rule: Amending WAC 356-14-240 Overtime compensation method; 356-15-060 Shift premium provision and compensation; and 356-15-125 Assignment pay provisions.

Purpose: These rules currently govern shift and assignment pay for employees who choose to accept compensatory time in lieu of cash payment for overtime.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will clarify when shift premium earned during overtime will be paid.

Reasons Supporting Proposal: The present rule does not give clear direction as to when shift premium should be paid to determine some consistencies between agencies.

Name of Agency Personnel Responsible for Drafting: Gail Salisbury, 521 Capitol Way South, Olympia, 753-5383; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Arthur Morse, Personnel Manager, Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently, these rules that are proposed for amendments do not clarify when shift premium will be paid when earned during overtime work. This proposal will allow agencies to be consistent when applying these rules.

Proposal Changes the Following Existing Rules: WAC 356-14-240 provides that assignment pay will be paid to any employee who utilized any compensatory time during permanent assignment to a "special assignment pay" job; and it provides that no credit or payment for overtime earned at assignment pay rates will be made if the overtime is credited as compensatory time.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Gail Salisbury, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 13, 1990

Dee W. Henderson
Secretary

WSR 90-10-016

PROPOSED RULES

**DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed April 23, 1990, 10:31 a.m.]

Continuance of WSR 90-07-055.

Title of Rule: Amending WAC 356-30-145 Project employment.

Purpose: This rule pertains to the rights of employees within a project.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The amendment is to clarify the rights of permanent employees who enter directly into project employment.

Reasons Supporting Proposal: Department of Social and Health Services would like project employees to have the flexibility of allowing permanent project employees the availability of promoting, demoting and transferring from their project position with the project agency.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586-8354; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Bonni Parker, Department of Social and Health Services, Mailstop OB-14, 753-5184, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to project employee rights. Department of Social and Health Services is proposing the project employment rule be changed to include allowing permanent project status employees the right to promotion, demotion and transfer rights from their project position within the project agency.

Proposal Changes the Following Existing Rules: It will add the additional rights of a project employee being able to have promotion, demotion and transfer rights from their project position within the project agency.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, 521 Capitol Way South, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 13, 1990
Dee W. Henderson
Secretary

WSR 90-10-017
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 343—Filed April 23, 1990, 10:32 a.m.]

Date of Adoption: April 12, 1990.

Purpose: These rules establish guidelines concerning the hearing process before the State Personnel Board.

Citation of Existing Rules Affected by this Order: See repealed sections listed below.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

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: This was adopted on an emergency concurrent permanent basis due to the effective date of new chapter 356-37 WAC. This new chapter dealing with hearings procedures will go into effect on May 1, 1990. This constitutes an emergency due to the fact that two different sets of rules cannot be in effect at the same time. Therefore, a May 1, 1990, effective date is necessary.

Effective Date of Rule: May 1, 1990.

April 13, 1990
Dee W. Henderson
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 356-34-110 PERSONNEL BOARD HEARINGS—PROCEDURE—RECORD
- WAC 356-34-113 PREHEARINGS PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES
- WAC 356-34-115 STATEMENT OF POSITIONS—HEARINGS
- WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED
- WAC 356-34-118 HEARINGS—CONTINUANCES
- WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS
- WAC 356-34-130 APPEARANCE BY FORMER OFFICER OF EMPLOYEE OF THE BOARD
- WAC 356-34-140 ETHICAL CONDUCT BEFORE THE PERSONNEL BOARD
- WAC 356-34-160 SERVICE OF PROCESS
- WAC 356-34-170 FILING OF PAPERS—COMPUTATION OF TIME
- WAC 356-34-180 SUBPOENAS—CONTENT—SERVICE
- WAC 356-34-190 WITNESS FEES
- WAC 356-34-200 PROOF OF SUBPOENA SERVICE
- WAC 356-34-210 QUASHING
- WAC 356-34-220 ORDERS FOR DISCOVERY
- WAC 356-34-230 PROOF OF CHARGES

WSR 90-10-018
PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 344—Filed April 23, 1990, 10:33 a.m.]

Date of Adoption: April 12, 1990.

Purpose: These rules establish guidelines concerning the hearing process before the State Personnel Board.

Citation of Existing Rules Affected by this Order: See repealed sections listed below.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 90-07-053 on March 20, 1990.

Effective Date of Rule: Thirty days after filing.

April 13, 1990
Dee W. Henderson
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 356-34-110 PERSONNEL BOARD HEARINGS—PROCEDURE—RECORD
- WAC 356-34-113 PREHEARINGS PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES
- WAC 356-34-115 STATEMENT OF POSITIONS—HEARINGS
- WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED
- WAC 356-34-118 HEARINGS—CONTINUANCES
- WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS
- WAC 356-34-130 APPEARANCE BY FORMER OFFICER OF EMPLOYEE OF THE BOARD
- WAC 356-34-140 ETHICAL CONDUCT BEFORE THE PERSONNEL BOARD
- WAC 356-34-160 SERVICE OF PROCESS
- WAC 356-34-170 FILING OF PAPERS—COMPUTATION OF TIME
- WAC 356-34-180 SUBPOENAS—CONTENT—SERVICE
- WAC 356-34-190 WITNESS FEES
- WAC 356-34-200 PROOF OF SUBPOENA SERVICE
- WAC 356-34-210 QUASHING
- WAC 356-34-220 ORDERS FOR DISCOVERY
- WAC 356-34-230 PROOF OF CHARGES

WSR 90-10-019
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Filed April 23, 1990, 10:43 a.m.]

Date of Adoption: April 19, 1990.

Purpose: Setting forth the method and data for calculating compliance with affirmative action plans.

Citation of Existing Rules Affected by this Order: Amending WAC 296-04-340, 296-04-350 and 296-04-370.

Statutory Authority for Adoption: RCW 49.04.010 and 49.04.100 through [49.04].130.

Pursuant to notice filed as WSR 89-24-096 on December 6, 1989.

Effective Date of Rule: Thirty-one days after filing.

April 19, 1990
 Harold G. Wilson
 Chairman

AMENDATORY SECTION (Amending Order 78-20, filed 11/14/78)

WAC 296-04-340 AFFIRMATIVE ACTION PLANS. (1) Adoption of a sponsor's commitment to

equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(2) Definition of affirmative action. Affirmative action is not mere passive nondiscrimination. It includes procedures, methods and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the labor force of this state.

(3) Outreach and positive recruitment. An acceptable affirmative action plan must also include adequate provisions for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all of the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under these rules. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the council may provide from any funds made available to it for such purpose, such financial or other assistance it deems necessary to implement the requirements of this paragraph.

(a) Dissemination of information concerning the nature of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least ~~((30))~~ thirty days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated, but not less than semiannually. Such information shall be given to the council, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women and shall be published in newspapers which are circulated in the minority community and among women as well as the general areas in which the program sponsor operates.

(b) Participate in any workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(c) Cooperation with the local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(d) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under these rules.

(e) Engaging in such programs as outreach for the positive recruitment and preparation of potential applicants for apprenticeship; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no programs are in existence, the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the council. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.

(f) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(g) Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.

(h) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(i) Admitting to apprenticeship persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations.

(j) Appropriate action as to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex; such as: General publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and the employers of apprentices to ensure that equal employment opportunity is being granted including reporting systems, on site reviews, briefing sessions, etc. The affirmative action programs shall set forth the specific steps the sponsors intend to take in the above areas under this subsection (3). Whenever special circumstances warrant, the council may provide such financial or other assistance from funds available to it for that purpose, as it deems necessary to implement the above requirements.

(4) Goals and timetables.

(a) A sponsor adopting a selection method under WAC 296-04-350 (2) or (3), which determines on the basis of analysis described in subdivision (e) that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool.

(b) A sponsor adopting a selection method under WAC 296-04-350 (4) or (5), which determines on the basis of the analysis described in subdivision (e) that it has deficiencies in terms of the underutilization of the minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and nonminority) applicants for the apprenticeship program.

(c) "Underutilization" as used in this subsection refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subdivision (e) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(d) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals or timetables which are unacceptable, and the council determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and nonminority) within the meaning of this section, the council shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and nonminority) applicants into the eligibility pool for selection of apprentices, as appropriate. The sponsor shall make good faith efforts to obtain these goals and timetables in accordance with the requirements of this section.

(e) Analysis to determine if deficiencies exist. The sponsor's determination as to whether goals and timetables shall be established shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

(i) The ~~((size))~~ percentage of the working age minority and female (minority and nonminority) population in the program sponsor's labor market area;

(ii) The ~~((size))~~ percentage of the minority and female (minority and nonminority) labor force in the program sponsor's labor market area;

(iii) The percentage of the minority and female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and nonminority) in the labor force in the program sponsor's labor market area;

(iv) The percentage of minority and female (minority and nonminority) participation as journeymen employed

by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices;

(v) The general availability of minorities and women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

In calculating the percentage of minority and female labor force or populations in the program sponsor's labor market in (e)(i) through (v) of this subsection or in calculating any other factors which are included in the analysis set forth in this section, the numerator shall be the number of women or minorities in that particular classification who are in the labor force or population; the denominator shall be the total labor force or population.

(f) Establishment and attainment of goals and timetables. The goals and timetables shall be established on the basis of the sponsor's analysis of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetable, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to attain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first ((+2)) twelve months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than ((50)) fifty percent of the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first ((+2)) twelve months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See WAC 296-04-370(2).

(g) Data and information. The supervisor shall make available to program sponsors data and information on

minority and female (minority and nonminority) labor force characteristics provided by the employment security department or the office of financial management for each standard metropolitan statistical area, and for other special areas as appropriate.

The data to be used in calculating percentages of apprentices and journeymen as required by (e)(ii) and (iii) of this subsection shall be derived from records maintained by apprenticeship committees.

AMENDATORY SECTION (Amending Order 78-20, filed 11/14/78)

WAC 296-04-350 SELECTION OF APPRENTICES. (1) Obligations of sponsors. In addition to development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subsections (2) through (5) of this section.

(2) Selection methods. The sponsor shall adopt one of the following methods of selecting apprentices:

(a) Selection on basis of rank from pool of eligible applicants. A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (c) of this subsection on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedure set forth in guidelines on employee selection procedures published at 41 CFR Part 60-3.

(b) Requirements. The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (c) through (g) of this subsection.

(c) Creation of pool of eligibles. A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age and the sponsor's minimum physical requirements; or from applicants who meet qualification standards in addition to minimum legal working age: PROVIDED, That any additional qualification standards conform with the following requirements:

(i) Qualification standards. The qualification standards and the procedures for determining such qualification standards shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in 41 CFR

Part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to obtain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(ii) Aptitude tests. Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical relationships between the score on the aptitude tests required for admission to the pool, and performance in the apprenticeship program. In determining such relationship, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3. The requirements of this item (ii) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment agency, or any other person, agency or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the United States Department of Labor unless such test meets the requirements of this subdivision.

(iii) Educational attainments. All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationship the sponsor shall meet the requirements of 41 CFR Part 60-3. School records or a passing grade on the general educational development tests recognized by the state or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(d) Oral interviews. Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and prior to selection for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers, and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(e) Notification of applicants. All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsors shall give each rejected applicant who is not selected for the pool or the program notice of his or her rejection, including the reason for the rejection, the requirements for admission to the pool of [the] eligibles, and the appeal rights available to the applicant.

(f) Goals and timetables. The sponsor shall establish, where required by WAC 296-04-340(4), percentage goals and timetables for the admission of minorities and

women (minority and nonminority) into the pool of eligibles in accordance with the provisions of WAC 296-04-340 (4)(a) through (f).

(g) Compliance. A sponsor shall be deemed to be in compliance with its commitments under subdivision (f) of this subsection (2) if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments (see WAC ((~~296-04-430~~) 296-04-340 (4)(f)). All the actions for the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(3) Random selection from pool of eligible applicants.

(a) Selection. A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the council. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(b) Requirements. The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (c) through (e) of subsection (2) of this section relating to the creation of a pool of eligibles, oral interviews and notification of applicants.

(c) Goals and timetables. The sponsor shall establish where required by WAC 296-04-340(4), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles in accordance with the provisions of WAC 296-04-340 (4)(d) through (f).

(d) Compliance. Determinations as to the sponsor's compliance with its obligations under these rules shall be in accordance with the provisions of subdivision (g) of subsection (2) of this section.

(4) Selection from pool of current employees.

(a) Selection. A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of WAC 296-04-340 (4)(d) through (f), that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journeymen crafts represented by the program.

(b) Compliance. The determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (g) of subsection (2) of this section.

(5) Alternative selection methods. Selection. The sponsor may select apprentices by means of any other method, including its present selection method: PROVIDED, That the sponsor meets the following requirements:

(a) Selection method and goals and timetables. Within ~~((90))~~ ninety days of the effective date of these rules, the sponsor shall submit to the council, through its supervisor, the revised selection method it ~~((~~{proposed}~~ {proposes}))~~ proposes to use along with the rest of its written affirmative action program including, where required by WAC 296-04-340(4), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of WAC 296-04-340 (4)(d) through (f). The sponsor may not implement any such [selection] method [until the council has approved the selection method] as meeting the requirements of subdivision (b) of this subsection (5) and has approved the remainder of its affirmative action program including its goals and timetables. If the council fails to act upon the selection method and the affirmative action program within ~~((30))~~ thirty days of its submission, the sponsor then may implement the selection method until acted upon by the council.

(b) Qualification standards. Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment. In applying any such standards, the sponsor shall meet the requirements of 41 CFR Part 60-3.

(6) Compliance. Determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (g) of subsection (2) of this section. Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness toward the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the council where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of the qualification standard which has adversely affected the opportunities of minorities and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related

to job performance, in accordance with the provisions of subsection (2), subdivision (c), item (i), of this section.

AMENDATORY SECTION (Amending Order 78-20, filed 11/14/78)

WAC 296-04-370 RECORDS. Obligations of sponsors. (1) Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to the interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, and separately, hours of training provided, and any other records pertinent to the determination of compliance with these regulations as may be required by the council. The records pertaining to the individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.

(2) Affirmative action plans. Each sponsor must retain a statement of its affirmative action plan required by WAC 296-04-340 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analysis made pursuant to the requirements of WAC 296-04-340. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.

Documentation necessary to establish a sponsor's good faith effort at implementation of its affirmative action plan also shall be maintained by each sponsor. The documentation shall include:

- (a) Who was contacted;
- (b) When the contacts were made;
- (c) Where the contacts occurred;
- (d) How the contacts were made; and
- (e) The content of each contact.

(3) Qualification standards. Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in WAC 296-04-350(2).

(4) Records of state apprenticeship council. The records of the council shall be kept in the offices of the supervisor, which records shall include registration requirements, individual program standards, registration records, program compliance reviews and investigations, and any other records pertinent to the determination of compliance with these rules, as may be required by the United States Department of Labor, and shall report to the department as may be required.

(5) Maintenance of records. The records required by these rules (WAC 296-04-300 through 296-04-480) and any other information relevant to compliance with Part 30 of Title 29 of the Code of Federal Regulations shall be maintained for five years and made available upon request to the United States Department of Labor or other authorized representative.

WSR 90-10-020
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
[Filed April 23, 1990, 10:45 a.m.]

Date of Adoption: April 19, 1990.

Purpose: To clarify that proposed standards for new apprenticeship programs are consistent with existing standards.

Citation of Existing Rules Affected by this Order: Amending WAC 296-04-270.

Statutory Authority for Adoption: RCW 49.04.010 and 49.04.050.

Pursuant to notice filed as WSR 89-24-098 on December 6, 1989.

Effective Date of Rule: Thirty-one days after filing.

April 19, 1990
Harold G. Wilson
Chairman

AMENDATORY SECTION (Amending Order 86-43, filed 12/15/86)

WAC 296-04-270 APPRENTICESHIP AGREEMENTS—TYPES—STANDARDS—REGISTRATION, REVIEW, CANCELLATION, REREGISTRATION—CERTIFICATE OF COMPLETION. (1) The following apprenticeship agreements shall be recognized pursuant to RCW 49.04.060:

(a) A written agreement between an association of employers and an organization of employees describing the conditions of training for apprentices.

(b) A written statement of an employer or a written agreement between an employer and an employee organization describing the conditions of training apprentices. The former agreement shall be recognized only if there is no bona fide employee organization in the plant affected by the agreement.

(c) A written agreement between an employer and an individual apprentice describing the conditions of apprenticeship.

(2) Apprenticeship agreements shall conform to the following standards:

(a) Committee programs, plant programs, and on-the-job training programs must contain the provisions required by RCW 49.04.050 and, in addition, shall contain:

(i) Provision for nondiscrimination in the selection of apprentices in substantially the following form:

Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge: "The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington state apprenticeship and training council and Title 29, Part 30 of the Code of Federal Regulations."

(ii) Provision that there shall be no discrimination on the basis of race, color, creed, sex, or national origin after selection during all phases of employment during apprenticeship.

(iii) Provision that adequate records of the selection process must be kept for a period of at least five years and will be made available to the council or its designated representative on request. Such records must include a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.

(iv) Provision for local committee rules and regulations consistent with these rules and the applicable apprenticeship agreement.

(b) Any proposed standards for apprenticeship must be ~~((substantially similar to))~~ consistent with any standards for apprenticeship already approved by the council for the industry, craft or trade in question to the end that there is general statewide uniformity of such standards in each industry, trade or craft. Proposed standards shall be considered consistent if they are designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

(c) The statement of the progressively increasing scale of wages, RCW 49.04.050(5), shall provide for a set percentage of a specified journeyman wage. In no event shall the specified journeyman wage from which the apprentice's percentages are computed fall below eighty percent of the established prevailing basic wage computed by the industrial statistician of the department of labor and industries pursuant to chapter 39.12 RCW. Where the department of labor and industries has not computed such a prevailing basic wage, the prevailing basic wage for the craft for the area set by the United States Department of Labor pursuant to the Davis-Bacon Act, 40 USC § 276, may be used.

(d) A sample apprenticeship agreement which the council approves is available on request from the supervisor.

(3) Registration, review, cancellation, reregistration.

(a) All individual agreements shall be registered with the supervisor and subject to his approval.

(b) The supervisor and his staff, in the performance of their field work, shall conduct a systematic review of all plant and committee programs and shall take appropriate action, including recommendation of cancellation, when they find that any program is not being operated according to these rules and regulations or according to its applicable standards.

(c) When any program is found to be operating in a manner inconsistent with or contrary to these rules and regulations or its established plant or committee program, the supervisor shall notify the offending committee, person, firm or agency of the violation. If the supervisor does not receive notice, within 60 days, of action taken to correct such violations, the supervisor may take whatever action he deems necessary, including recommendation of cancellation of the apprenticeship or training program and agreement to the council.

(d) If the supervisor deems it necessary to recommend cancellation of an apprenticeship or training program, he shall do so in writing to each council member, stating in

detail the reasons for his recommendation. A copy of said recommendation shall be mailed to the last known address of each member of the committee administering said program, or to those persons responsible for said program, together with notice that the council shall consider the recommendation at its next regularly scheduled meeting more than 30 days subsequent to the date of the recommendation and that all interested persons may present evidence or testimony regarding said recommendation. The council shall decide the question before it upon majority vote of the members present and voting and shall notify all interested parties of its decision, together with the reasons for it, in writing.

(e) The cancellation of any program or agreement shall automatically effect a cancellation of any agreement registered thereunder, provided that any organization or firm not responsible for the violations causing the cancellation may petition the council for approval of such cancelled agreement or program as a new program.

(f) Certificates of completion shall be issued at the request of the appropriate committee. An affidavit of the secretary of the committee concerned shall accompany the request, which affidavit shall state that the apprentice has successfully completed the apprenticeship program of that committee, and that he has been an active, registered participant of that committee's program for at least six months.

WSR 90-10-021
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Filed April 23, 1990, 10:50 a.m.]

Date of Adoption: April 19, 1990.

Purpose: To establish a deadline for submitting certain correspondence for consideration at council meetings.

Citation of Existing Rules Affected by this Order:
 Amending WAC 296-04-040.

Statutory Authority for Adoption: RCW 49.04.010.

Pursuant to notice filed as WSR 89-24-097 on December 6, 1989.

Effective Date of Rule: Thirty-one days after filing.

April 19, 1990
 Harold G. Wilson
 Chairman

AMENDATORY SECTION (Amending Order 85-31, filed 11/1/85)

WAC 296-04-040 COUNCIL MEETINGS—WHEN HELD—NOTICE—WHO MAY ATTEND—QUORUM. Council meetings shall be of two kinds—regular and special meetings.

(1) Regular meetings. Regular meetings of the council shall be held at least quarterly during each year beginning on the third Thursday of the months of January, April, July and October. Such regular meetings shall be held at such locations within the state of Washington

which in the opinion of the council will best promote the purposes of the Washington State Apprenticeship and Training Act. All meetings of the council shall be open to the general public, and all actions, transaction of official business of the council, collective decision, commitment or promise, and all collective discussion, acquisition and exchange of facts in the course of deliberation prior to any action of the council shall only be made in meetings open to the public consistent with the provisions of the Open Public Meetings Act of 1971 (chapter 250, Laws of 1971 1st ex. sess.) and chapter ~~((34.04))~~ 34.05 RCW. No member of the general public will be required as a condition upon attending any council meeting to register his name or give any other information or to fulfill any condition precedent to his attendance at council meetings. Notice of such meetings shall be given to all approved committees and may be given to any persons, organizations, or agencies at the direction of the council, or any member thereof, and in addition shall be given to any newspaper, news service, television or radio station which has requested to be notified of council meetings. Committee programs, plant programs, or amendments thereto, may be approved or disapproved only at regular meetings.

(2) Special meetings. Special meetings of the council may be called by the chairman or by majority of the council members by delivering personally or by mail written notice to each member of the council and all approved joint apprenticeship and training committees and to each newspaper of general circulation, television or radio station which has on file with the council or the supervisor a request to be notified of such special meeting of the council, which shall be ineffective unless it sets forth the date, time and location of the meeting and specifies the business to be transacted by the council at such special meeting. Final disposition may not be made of any matter at such special meeting other than specified in the notice of such special meeting. Special meetings shall be open to the general public to the same extent as the quarterly regular meetings of the council. Notice of special meetings must be delivered personally or by mail at least twenty-four hours before the time specified in the notice of such special meeting, except in the case of rule changes pursuant to chapter ~~((34.04))~~ 34.05 RCW which must be at least ~~((20))~~ twenty days before the time specified in the notice.

(3) Notice of council meetings. Notice of each quarterly regular meeting of the council shall be given to all council members by the supervisor at least ~~((20))~~ twenty days before the date set for the meeting and in addition shall give notice to such other persons and organizations as specified in subsection (1) of this section.

(4) Notice of special meetings of the apprenticeship council. Notice of special meetings of the council may be given by the supervisor at the request of the chairman or the majority of the members of the council in the manner and form specified in subsection (2) of this section. If such notices are not given, no action taken by the council shall be effective at such meetings unless each regular council member at such meeting, or prior thereto, gives a written waiver of notice of such meeting to be filed by the supervisor and the notice shall be deemed to

be waived by any member who is present at the meeting at the time it convenes. PROVIDED, That rule change may not be made at such special meeting unless the requirements of chapter ((34.04)) 34.05 RCW have been complied with.

(5) Submission of petitions or requests. The council will not act upon any petition or request which is addressed to the council unless such a petition or request is submitted in writing to the supervisor at least ((45)) forty-five days prior to the date of such quarterly regular meeting, and any petitions or requests not submitted ((45)) forty-five days prior to such quarterly meeting shall be deferred to the next quarterly regular meeting of the council and the petitioner shall be so notified by the supervisor.

(6) Correspondence other than that referenced in WAC 296-04-005 and 296-04-040 (1), (2) and (5), shall be submitted in writing to the supervisor of apprenticeship at least fifteen working days before the quarterly meeting at which the council's consideration is requested. However, the supervisor of apprenticeship may consider such correspondence submitted less than fifteen working days before the meeting if the council determines the correspondence is crucial to deliberations regarding approval or disapproval of any given apprenticeship agreement. Noncrucial correspondence submitted less than fifteen working days before the quarterly meeting shall be considered by the council at the following quarterly meeting.

(7) Quorum. Two-thirds of the council members entitled to vote shall be considered a quorum.

WSR 90-10-022
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed April 23, 1990, 11:05 a.m.]

Original Notice.

Title of Rule: WAC 248-19-600 Open heart surgery.

Purpose: Places state health plan standards used in certificate of need decision making into rule. Chapter 70.38 RCW sunsets the state health plan June 30, 1990.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: The current state health plan standards are converted to rule form with updates to the data used in calculating the need for open heart surgery rooms.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristina Sparks, 1300 Quince Street, Olympia, EY-19, 753-5857.

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: This rule replaces expiring state health plan (SHP) standards for certificate of need (CN) decision making regarding open heart surgery. The rule set out factors for determining need for additional open heart

surgery rooms. The rule maintains existing SHP policy for open heart surgery services.

Proposal does not change existing rules.

This is a new section of chapter 248-19 WAC.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington, on June 5, 1990, at 10:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by June 4, 1990.

Date of Intended Adoption: June 12, 1990.

April 20, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

NEW SECTION

WAC 248-19-600 OPEN HEART SURGERY. (1) Open heart surgery means a specialized surgical procedure (excluding organ transplantation) which utilizes a heart-lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease.

(2) Open heart surgery is a tertiary service as listed in WAC 248-19-231. To receive approval an open heart surgery program must meet the following standards in addition to applicable review criteria in WAC 248-19-370, 248-19-380, 248-19-390 and 248-19-400.

(3) There shall be a minimum volume of two hundred adult open heart surgery procedures (one hundred if exclusively pediatric) performed annually in each institution performing open heart surgery within three years of initial operation.

(4) New open heart surgery services shall not result in a number of open heart operating rooms that exceeds the maximum number of open heart operating rooms needed in the area by 1995, as determined by multiplying the state's most recent (at the time of the application) adult or pediatric open heart surgery use rate by the area's 1995 adult or pediatric populations, and dividing the result by the minimum capacity of adult or pediatric units (two hundred or one hundred, respectively).

(5) There shall be no new open heart surgery operating rooms approved until all facilities providing open heart surgery in the planning area are performing at least two hundred (one hundred for pediatric) open heart surgeries per year per open heart surgery operating room.

WSR 90-10-023
PERMANENT RULES
PARKS AND
RECREATION COMMISSION

[Filed April 23, 1990, 4:57 p.m.]

Date of Adoption: April 20, 1990.

Purpose: The fee charged for sno-park permits pays for snow removal at state park sno-park parking lots.

Citation of Existing Rules Affected by this Order: Amending RCW 43.51.300 [WAC 352-32-270].

Statutory Authority for Adoption: RCW 43.51.050.

Pursuant to notice filed as WSR 90-06-108 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1990
Jack Shreve
Vice-Chair
for Moyes Lucas
Chairman

AMENDATORY SECTION (Amending Order 63, filed 9/21/82)

WAC 352-32-270 SNO-PARK PERMIT—FEE. The fees and commencement and expiration dates for a winter recreational area parking permits issued by the state of Washington shall be (~~(\$10.00 annually)~~) as follows:

(1) Seasonal permit – \$15.00 per vehicle per season – commences October 1 and expires May 1 of the winter season for which it is issued.

(2) Three day permit – \$10.00 per vehicle – commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.

WSR 90-10-024
PERMANENT RULES
PARKS AND
RECREATION COMMISSION
 [Filed April 23, 1990, 4:58 p.m.]

Date of Adoption: April 20, 1990.

Purpose: Repeals ocean beach vehicular traffic rules as provided for in chapter 352-36 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 352-36 WAC.

Statutory Authority for Adoption: RCW 43.51.050.

Pursuant to notice filed as WSR 90-06-109 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.
 April 20, 1990
 Jack Shreve
 Vice-Chair
 for Moyes Lucas
 Chairman

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 352-36-010 DEFINITIONS.
- WAC 352-36-020 VEHICULAR TRAFFIC—WHERE PERMITTED—GENERALLY.
- WAC 352-36-025 EQUESTRIAN TRAFFIC.
- WAC 352-36-030 PEDESTRIANS TO BE GRANTED RIGHT OF WAY.
- WAC 352-36-040 RESTRICTED AREAS.
- WAC 352-36-050 PARKING.
- WAC 352-36-060 OVERNIGHT PARKING OR CAMPING PROHIBITED.
- WAC 352-36-070 OPERATOR'S LICENSE REQUIRED.
- WAC 352-36-080 SPEED LIMITS.
- WAC 352-36-090 CERTAIN PRACTICES PROHIBITED.
- WAC 352-36-100 RULES OF THE ROAD INCORPORATED.
- WAC 352-36-110 CERTAIN VEHICLE LIGHTING AND EQUIPMENT STANDARDS INCORPORATED.

- WAC 352-36-115 AIRCRAFT.
- WAC 352-36-120 VIOLATIONS—PENALTY.
- WAC 352-36-130 EXCLUDED/LIMITED RECREATION ACTIVITIES.
- WAC 352-36-140 SPECIAL GROUP RECREATION EVENT PERMIT.

WSR 90-10-025
RULES COORDINATOR
PARKS AND
RECREATION COMMISSION
 [Filed April 23, 1990, 5:00 p.m.]

In accordance with RCW 34.05.310, this letter is to inform you that 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, (206) 753-6179, 234-6179 scan.

Jan Tveten
 Director

WSR 90-10-026
PROPOSED RULES
CLARK COLLEGE
 [Filed April 24, 1990, 10:27 a.m.]

Continuance of WSR 90-04-079.

Title of Rule: Loss of eligibility—Student athletic participation.

Purpose: To comply with the requirements of SHB 1558 and provide rules for ineligibility of student athletes found to be in violation of the laws relating to the use of possession of steroid drugs.

Date of Intended Adoption: April 25, 1990.

April 18, 1990
 Earl P. Johnson
 President

WSR 90-10-027
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 90-04]

PROTECTION OF WETLANDS

WHEREAS, wetlands provide ecological as well as economic benefits to the state by protecting and preserving drinking water supplies; by providing a natural means of flood and storm damage protection; by serving as transition zones between dry land and water courses, thereby retarding soil erosion; by providing essential breeding, spawning, rearing, feeding, nesting, and wintering habitats for fish and wildlife; by providing special vegetation and vegetative communities; by serving important functions for surface and groundwater supplies of the state;

and by providing outdoor training and educational resources; and

WHEREAS, as much as fifty percent of the state's original wetlands have been drained, dredged, filled, or otherwise altered and over ninety percent of the original saltwater wetlands in some urban estuaries of Puget Sound have been eliminated; and

WHEREAS, losses statewide are as much as two thousand acres annually; and

WHEREAS, loss of wetlands harms the economic and ecological welfare of the state; and

WHEREAS, local governments are in the process of planning for growth and for the protection of critical areas, including wetlands; and

WHEREAS, wetlands are among the most fragile of natural resources and must be protected by state agencies in their stewardship of lands and waters subject to the public trust; and

WHEREAS, it is in the public interest to protect the functions and values of wetlands;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the power vested in me, do hereby order:

Section 1. All state agencies shall rigorously enforce their existing authorities to assure wetlands protection;

Section 2. All state agencies shall exercise their substantive authority under the State Environmental Policy Act (SEPA), to the extent legally permissible, to require mitigation of wetlands impacts for all agency actions affecting wetlands. Such actions include, but are not limited to, rule development and any projects or actions requiring state licenses, permits, approvals, loans or grants. State agencies shall, when necessary, amend their SEPA policies to include wetlands protection components. The Department of Ecology, in its review of SEPA compliance documents, shall encourage and, to the extent legally permissible, require complete analyses of wetlands impacts, mitigation, and buffers;

Section 3. The Department of Ecology shall, to the extent legally permissible, exercise its authority under the Shoreline Management Act, to condition, deny, or appeal permits to assure wetlands protection. In addition, the Department of Ecology shall develop a model wetlands protection element for local governments to consider when amending shoreline master programs under the Shoreline Management Act;

Section 4. (a) The Department of Ecology shall request the Division Engineer of the Army Corps of Engineers to assert discretionary authority and modify nationwide permit 26 to require individual permits or permit conditions for certain categories of activities, types of wetlands and specific geographical regions. Examples include natural heritage sites, wetlands associated with shorelines of statewide significance, and recorded locations of threatened and endangered species. In these instances, actions affecting wetlands will no longer receive automatic authorization;

(b) The Department of Ecology shall evaluate and recommend future actions to reduce impacts to wetlands under the Federal Clean Water Act, such as further modifications to nationwide permit 26. The Department of Ecology shall reevaluate section 401 certification of nationwide permits affecting wetlands at such time as these permits are revised by the Army Corps of Engineers or when the existing certification expires in 1992, whichever comes first;

(c) The Department of Ecology, to the extent authorized by law, shall condition or deny water quality certifications under section 401 of the Federal Clean Water Act to prevent the degradation of wetlands;

Section 5. The Department of Ecology, in its triennial review of water quality standards, shall revise the standards to incorporate provisions specifically designed to better protect wetlands;

Section 6. The Departments of Wildlife and Fisheries shall fully implement the authority granted under the Hydraulics Code and, to the extent legally permissible, condition or deny permits to protect fish life by assuring wetlands protection;

Section 7. The Puget Sound Water Quality Authority shall continue its efforts to ensure full implementation of the wetlands elements of the Puget Sound Plan. All state agencies, within available resources, shall use their authorities to assist in implementing applicable portions of the Puget Sound Plan wetlands program;

Section 8. The Department of Agriculture shall develop a permit system for application of pesticides on or near wetlands by licensed applicators in order to assist in evaluating the type, amount, and impact of pesticides used in wetlands. The Department of Agriculture shall also develop a program to assess the amount of pesticides applied by non-licensed persons on or near wetland areas through required reporting of sales volume of pesticide products not requiring licensure for purchase;

Section 9. The Forest Practices Board, with assistance from the Department of Ecology, is encouraged to amend both the forest practices rules and the best management practices for forest practices to protect wetlands in a manner consistent with this executive order;

Section 10. The Department of Community Development shall adopt standards establishing wetlands protection criteria for administration and issuance of funds through its public works trust fund, community development block grant program, and housing trust fund; and the Department of Trade and Economic Development shall work with the Community Economic Revitalization Board (CERB) to develop and adopt wetlands protection criteria for administration and issuance of CERB loans and grants;

Section 11. The Department of Ecology shall give special consideration and allowance to those Centennial Clean Water Act grant proposals containing wetlands protection elements and shall condition any grant approvals to assure wetlands protection;

Section 12. All state agencies shall use the following definition of mitigation, in the following order of preference:

- (1) Avoiding the impact altogether by not taking a certain action or part of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- (6) Monitoring the impact and taking appropriate corrective measures;

Mitigation for individual actions may include a combination of the above measures;

Section 13. The Department of Ecology shall develop statewide policies and standards on wetlands rating systems, mitigation, buffers, restoration, and enhancement in consultation with other agencies and interested parties. These policies and standards shall be adopted to the extent legally permissible by all state agencies as part of their SEPA policies, and shall be applied where appropriate to all licenses, permits, approvals, grants and actions undertaken by state agencies;

Section 14. The Department of Ecology, in consultation with agencies and academic institutions with expertise, tribes, local governments, and other appropriate parties, shall coordinate wetlands inventory activities and develop inventory standards and strategies to standardize and maximize the efficiency and effectiveness of inventory efforts in the state;

Section 15. The Department of Ecology shall develop a wetlands impact assessment process in conjunction with the demonstration conservation plan required by RCW 90.54. The wetlands impact assessment process shall balance the public policies of wetlands protection and water use efficiency as set out in RCW 90.03. The Department of Ecology shall consult with other interested and affected parties, in order to assist in decision making regarding water use efficiency improvements and wetlands protection;

Section 16. The Department of Ecology shall provide technical assistance to the Department of Community Development in the development of wetlands protection policies and standards for the implementation of grants programs and to guide the development of local government comprehensive plans and development regulations under the growth management bill passed by the 1990 legislature;

Section 17. The Department of Ecology shall provide educational and technical assistance, within available resources, for local government implementation of the wetlands protection components of the Puget Sound Plan and wetlands protection components of the growth management bill passed by the 1990 legislature;

Section 18. All local governments in this state are requested and encouraged to make all of their actions consistent with the intent and goals of this executive order. The Department of Ecology, in consultation with local governments, shall develop a model local government wetlands protection ordinance, and shall initiate and administer a local grants program, as funding permits, for the development of local wetlands protection programs;

Section 19. All appropriate state agencies shall continue to develop and implement wetlands education and outreach activities and to inform public and private interests regarding the provisions of this order;

Section 20. (a) There is hereby established an Interagency Wetlands Review Board (Board) which shall consist of the directors or designees of the Department of Ecology, the Department of Fisheries, the Department of Wildlife, the Department of Agriculture, the Puget Sound Water Quality Authority, and the Department of Community Development. The Department of Transportation and the Department of Natural Resources are invited to become members of the Board. The representative of the Department of Ecology shall serve as chair and shall provide staff support when needed;

(b) The Board is empowered to develop means to implement and monitor agency compliance with this executive order. The Board shall submit regular reports to the Governor on actions taken under this order;

(c) The Board is authorized to ask for assistance from any department, office, division or agency of this state to supply data, personnel, or assistance as necessary to implement the directives of this executive order;

Section 21. Nothing in this executive order shall apply to assistance provided for emergency work that is essential to save lives or protect property and public health and safety.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the Seal of
the State of Washington to
be affixed at Olympia this
21st day of April, A.D.,
nineteen hundred and
ninety.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 90-10-028
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 24, 1990, 2:15 p.m.]

In WSR 90-09-095, filed April 18, 1990, the department proposed to adopt brief adjudicative proceeding rules for some programs. The procedure was proposed in part to assure that the department's cost for services from the Office of Administrative Hearings were within the biennial appropriation. It now appears that other changes coupled with some additional funds that have become available may keep expenses within the appropriation. Therefore, the department wishes to withdraw the following proposed new sections: WAC 388-08-482, 388-08-485, 388-08-488 and 388-08-491.

Please note that the other proposals in WSR 90-09-095 dealing with WAC 388-08-410 and 388-320-185 are not withdrawn by this memorandum.

Leslie F. James, Director
Administrative Services

WSR 90-10-029
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—April 18, 1990]

In compliance with the open meeting law notice provisions, the board of trustees of Seattle Community College District has scheduled a joint dinner meeting with the Seattle Public School Board, to be held at 6:00 p.m. on Monday, May 14, 1990, in the Dining Room at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

WSR 90-10-030
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—April 25, 1990]

BOARD OF TRUSTEES

April 27, 1990, 9:00 a.m.

Louise Anderson Hall, First Floor Lounge

Breakfast will be served to board members at 8:00 a.m., Louise Anderson Hall.

WSR 90-10-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2973—Filed April 25, 1990, 2:05 p.m.]

Date of Adoption: April 25, 1990.

Purpose: This change will correct the January 1, 1990, update to the funeral/interment program payment standard and allow the Department of Social and Health Services staff to legally authorize payments at these amounts.

Citation of Existing Rules Affected by this Order: Amending WAC 388-42-150 Maximum cost standards. Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-05-025 on February 13, 1990.

Effective Date of Rule: Thirty-one days after filing.
April 25, 1990
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2682, filed 8/30/88)

WAC 388-42-150 MAXIMUM COST STANDARDS.

(1) Mortuary services—Actual costs, but not to exceed:

- (a) Essential services only \$ ((273)) 278
- (b) Essential services plus funeral/memorial service \$ ((626)) 638

(2) Burial services—Actual costs, but not to exceed:

- (a) Burial only, no plot included \$ ((342)) 348
- (b) Burial with plot included, single or multiple interment . . \$ ((395)) 402

(3) Cremation services—Actual costs, but not to exceed:

- (a) Cremation only \$ ((162)) 165
- (b) Cremation and disposition \$ ((243)) 247

(4) These standards include all applicable taxes.
(5) These standards shall be effective ((September 1, 1988)) February 13, 1990.

WSR 90-10-032
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 90-30—Filed April 25, 1990, 3:44 p.m.]

Date of Adoption: April 24, 1990.
Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-49-020.

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 is no harvestable surplus of herring available. A directed fishery would endanger reproductive potential.

Effective Date of Rule: Immediately.

April 24, 1990
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-49-02000C HERRING CLOSURE. Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective immediately until 11:59 p.m. June 30, 1990, it is unlawful to fish for or possess herring, candlenfish, anchovy or pilchards taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 21B, except under permit issued by the Director.

WSR 90-10-033

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-28—Filed April 25, 1990, 3:47 p.m.]

Date of Adoption: April 19, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-24-020.

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: A harvestable quota of chinook salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council, and is consistent with federal law.

Effective Date of Rule: 12:01 a.m., May 1, 1990.

April 19, 1990
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000L LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020 and WAC 220-24-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. May 1, 1990 it is lawful to fish for and possess all salmon species other than coho salmon taken from the above waters except for those waters of a conservation zone at the mouth of the

Columbia River bounded by a line projected six miles due west from North Head along 46 18'00" north latitude to 124 13'18" west longitude, thence southerly along a line 167 true to 46 11'06" north latitude, 124 11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken.

(2) The above open area will close when 26,100 salmon are taken, or June 15, 1990.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-33 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

WSR 90-10-034

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-31—Filed April 25, 1990, 3:50 p.m.]

Date of Adoption: April 25, 1990.

Purpose: Fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-059.

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 available for a subsistence fishery. This conforms state regulations with Yakima Tribe regulations. There is inadequate time to follow the permanent rule adoption procedure.

Effective Date of Rule: Immediately.

April 25, 1990
Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05900R COLUMBIA RIVER TRIBUTARIES—SUBSISTENCE. Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice, it is unlawful for any fisher to take salmon for commercial or subsistence purposes from the Yakima, Klickitat, or Icicle Rivers except treaty Indian fishers possessing treaty rights under the

Yakima Treaty may fish for foodfish for subsistence purposes as provided for in this section:

(1) *Yakima River – where it borders the reservation, open noon Monday to 6:00 p.m. Saturday, April 11 to June 30, 1990.*

a. *Horn Rapids Dam and Prosser Dam, open noon Tuesday to 6:00 p.m. Saturday, April 11 to June 30, 1990.*

In all open areas it shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon or to fish bypass pipes associated with irrigation canal fish screening structures and no fishing is allowed from boats or any other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.

(2) *Klickitat River – open noon Tuesday to 6:00 p.m. Saturday, April 11 to June 2, 1990 in those waters from the Swinging Bridge to Fishway Number 5. It is unlawful to place fishing platforms or to take, molest, injure, or fish for salmon within 25 feet of any fish ladder, fishway or fish bypass pipes. No fishing is allowed from boats or any other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.*

(3) *Icicle River – open 9:00 p.m. Wednesday to noon Saturday, May 9 to June 30, 1990, in those waters where Icicle River borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth. It is unlawful to place fishing platforms or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway or fish bypass pipes. No fishing is allowed from boats or any other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.*

WSR 90-10-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-32—Filed April 25, 1990, 3:53 p.m.]

Date of Adoption: April 25, 1990.

Purpose: Personal use and commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-325 and 220-52-051.

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: Department sampling indicates a harvestable surplus of spot prawns is available. Reduced stocks dictate shorter recreational and commercial seasons than anticipated. In order to confirm department estimates of commercial catch effort, mandatory sale of commercially caught shrimp through

wholesale dealers, who report quantities purchased to the department, is required.

Effective Date of Rule: 9:00 a.m., April 25, 1990.

April 25, 1990

Edward P. Manary
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-32500R **PERSONAL USE SHRIMP FISHERY—PUGET SOUND.** Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for, or possess shrimp taken for personal use from all waters of Hood Canal south of the Hood Canal Floating Bridge except as provided for in this section:

(1) *Open: 9 AM May 19 through 6 PM May 28, 1990*

(2) *Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.*

NEW SECTION

WAC 220-52-05100D **COMMERCIAL SHRIMP—PUGET SOUND.** Notwithstanding the provisions of WAC 220-52-051, it is unlawful to fish for or possess shrimp taken for commercial purposes from Shrimp District 5 except as provided for in this section:

(1) *Open: 9 AM June 3 through 6 PM June 6, 1990*

(2) *Maximum of 35 pots per licensed fisher.*

(3) *Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.*

(4) *Sale of commercially caught shrimp is required. It is unlawful for any person engaged in commercial shrimp fishing in Shrimp Dist. 5 to retain more than 10 pounds whole, in the shell, shrimp for personal use, per day.*

(5) *It is lawful to possess shrimp for commercial purposes that are taken under the regulations adopted by the Point No Point Treaty Council.*

WSR 90-10-036

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Health)

[Order 049—Filed April 26, 1990, 2:59 p.m.]

Date of Adoption: April 11, 1990.

Purpose: Implement reporting of cases or suspected cases of pesticide poisoning by health care providers to State Department of Health.

Citation of Existing Rules Affected by this Order: Amending chapter 248-100 WAC, Communicable and certain other diseases.

Statutory Authority for Adoption: Chapter 70.104 RCW.

Pursuant to notice filed as WSR 90-06-063 on March 6, 1990.

Changes Other than Editing from Proposed to Adopted Version: A change to WAC 248-100-217 was made

to clarify the local health officers' role in pesticide investigations. Adds the requirement to provide a copy of the report of the results of the pesticide investigation to the local health officer in order to make sure the local health officer in which jurisdiction the exposure occurred is made aware of the department's investigation.

Effective Date of Rule: Thirty-one days after filing.

April 11, 1990
Graham Tollefson
Chairman

AMENDATORY SECTION (Amending Order 302, filed 5/19/87)

WAC 248-100-021 RESPONSIBILITIES AND DUTIES—HEALTH CARE PROVIDERS. Every health care provider, as defined in chapter 248-100 WAC, shall:

(1) Provide adequate, understandable instruction in control measures designed to prevent the spread of disease to:

- (a) Each patient with a communicable disease under his or her care,
- (b) Family of a patient with a communicable disease,
- (c) Contacts and others as appropriate to prevent spread of disease.

(2) Ensure notification of the local health officer or local health department regarding:

- (a) Cases of reportable diseases and conditions. See WAC 248-100-071, 248-100-076, and 248-100-081;
- (b) Outbreaks or suspected outbreaks of disease. See WAC 248-100-071, 248-100-076, and 248-100-081;
- (c) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and
- (d) Name, address, and other pertinent information for any case or carrier refusing to comply with prescribed infection control measures.

(3) Cooperate with public health authorities during investigation of:

- (a) Circumstances of a case or suspected case of a reportable disease or condition or other communicable disease, and
- (b) An outbreak or suspected outbreak of illness.

~~((4))~~ Comply with requirements in WAC 248-100-206 ~~((and))~~, 248-100-211, and 248-100-217.

AMENDATORY SECTION (Amending Order 302, filed 5/19/87)

WAC 248-100-086 REPORTING DISEASES AND CONDITIONS DIRECTLY TO DEPARTMENT. (1) Health care providers and health care facilities shall telephone reports directly to the department for diseases and conditions under WAC 248-100-076 when:

(a) A local health department is closed at the time a case or suspected case of a category A reportable disease occurs, and

(b) A local health department is closed at the time an outbreak or suspected outbreak occurs (see WAC 248-100-076).

(2) The twenty-four hour department telephone number for reporting diseases or conditions under WAC 248-100-076 is (206) 361-2914 or SCAN 245-2914.

(3) Health care providers and health care facilities shall telephone reports of pesticide poisoning cases or suspected pesticide poisoning cases under RCW 70.104.055 directly to the department of health by dialing the twenty-four hour toll-free telephone number 1-800-356-2323.

NEW SECTION

WAC 248-100-217 SPECIAL CONDITION—PESTICIDE POISONING. (1) Definitions. For the purposes of this section, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(a) "Case of pesticide poisoning" means a person, alive or dead, having been diagnosed as poisoned by any pesticide with the diagnosis based on clinical and/or laboratory evidence.

(b) "Pesticide" means any pesticide defined in RCW 70.104.020, as now stated and as may be amended in the future.

(c) "Pesticide applicator" means any person applying pesticides under the authority of the licensing provisions of chapter 15.58 RCW, as a pesticide applicator and/or operator and any person applying pesticides to more than one acre of land in a calendar year.

(d) "Pesticide poisoning" means the disturbance of function, damage to structure, or illness in humans resulting from the inhalation, absorption, ingestion of, or contact with any pesticide.

(e) "PIRT" means the pesticide incident reporting and tracking review panel established under the provisions of RCW 70.104.080 with responsibilities as described in RCW 70.104.090.

(f) "Suspected case of pesticide poisoning" means a case in which the diagnosis is thought more likely than not to be pesticide poisoning.

(2) Any attending physician or other health care provider recognized as primarily responsible for the diagnosis and treatment of a patient or, in the absence of a primary health care provider, the health care provider initiating diagnostic testing or therapy for a patient shall:

(a) Notify the department of any case or suspected case of pesticide poisoning, using the toll-free pesticide reporting telephone number (1-800-356-2323), within the following time limits:

(i) Immediately, when:

(A) A hospital admission is due to pesticide poisoning or suspected pesticide poisoning;

(B) A death is due to pesticide poisoning or suspected pesticide poisoning; or

(C) A threat to public health, such as multiple cases, is perceived;

(ii) Within four days for all other cases or suspected cases;

(b) Within seven days, submit to the department on a department-approved form, an individual case report for each case or suspected case of pesticide poisoning (unless

the department of health waives the requirement to submit an individual case report because pertinent information was provided by phone);

(c) Comply with the same confidentiality requirements established for other reportable diseases or conditions in WAC 248-100-016; and

(d) Respond to department inquiries regarding reported cases.

(3) Health care providers notifying the department shall provide:

- (a) Name of patient;
- (b) Patient's home and/or mailing address;
- (c) Patient's home and/or work telephone number;
- (d) Age;
- (e) Sex;
- (f) Race/ethnicity;
- (g) Diagnosis or suspected diagnosis, including:
 - (i) Name of pesticide, if known;
 - (ii) Date of exposure; and
 - (iii) Date of onset;
- (h) Name, address, and telephone number of the principal health care provider;
- (i) Name, address, and telephone number of the person reporting; and
- (j) Occupation and employer's name and address, if occupational exposure.

(4) The department shall:

(a) Initiate an investigation of each report of a case or suspected case of pesticide poisoning and such cases of suspected pesticide poisoning of animals that may relate to human illness to document the incident within the following time limits:

(i) Immediately after notification is received from the health care provider of:

(A) A hospital admission due to pesticide poisoning or suspected pesticide poisoning;

(B) A death due to pesticide poisoning or suspected pesticide poisoning; or

(C) A threat to public health, such as multiple cases;

(ii) Within forty-eight hours after notification is received for all other cases;

(b) Supply case report forms to health care providers for purposes of reporting cases or suspected cases of pesticide poisoning;

(c) Document the known environmental, human, and/or other variables associated with the case or suspected case of pesticide poisoning;

(d) Report the results of the pesticide investigation to the principal health care provider named in the case report form and to the local health officer in whose jurisdiction the exposure has occurred;

(e) Provide a monthly report of cases or suspected cases of pesticide poisoning to the PIRT panel, as required under RCW 70.104.055; and

(f) Complete case investigations within ninety days unless extenuating circumstances or surveillance needs require a longer investigation time.

WSR 90-10-037
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)
 [Filed April 26, 1990, 3:01 p.m.]

Original Notice.

Title of Rule: New sections WAC 308-25-290 Intent; 308-25-310 Terms used in WAC 308-25-320 through 308-25-330; 308-25-320 Approval of substance abuse monitoring programs; and 308-25-330 Participation in approved substance abuse monitoring program.

Purpose: To add new sections, all which pertain to substance abuse monitoring programs for dentists.

Statutory Authority for Adoption: RCW 18.130.175.

Statute Being Implemented: RCW 18.32.534.

Summary: These rules set forth the requirements for substance abuse monitoring programs.

Reasons Supporting Proposal: To implement a voluntary substance abuse monitoring program for licensees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Mayo, 1300 Quince Street, Olympia, WA 98504, (206) 753-2461.

Name of Proponent: Dental Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish requirements for substance abuse monitoring programs in which licensees can voluntarily participate. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

Proposal does not change existing rules.

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

Hearing Location: Ramada Inn at Sea-Tac, Salon E, 18118 Pacific Highway South, Seattle, WA 98118, on June 8, 1990, at 3:00 p.m.

Submit Written Comments to: Linda McCue, 1300 Quince Street, Olympia, WA 98504, by May 25, 1990.

Date of Intended Adoption: June 8, 1990.

April 25, 1990

Judy Mayo

Program Administrator

NEW SECTION

WAC 308-25-290 INTENT. It is the intent of the legislature that the dental disciplinary board seek ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to the abuse of drugs or alcohol. The legislature intends that these dentists be treated so that they can return to or continue to practice dentistry in a way which safeguards the public. The legislature specifically intends that the dental disciplinary board establish an alternate program to the traditional administrative proceedings against such dentists.

In lieu of disciplinary action under RCW 18.130.160 and if the dental disciplinary board determines that the unprofessional conduct may be the result of substance abuse, the dental disciplinary board

may refer the license holder to a voluntary substance abuse monitoring program approved by the dental disciplinary board.

NEW SECTION

WAC 308-25-310 TERMS USED IN WAC 308-25-320 THROUGH 308-25-330. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in the Washington Administrative Code which enters into a contract with dentists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs may provide evaluation and/or treatment to participating dentists.

(2) "Contract" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program wherein the dentist consents to comply with the monitoring program and the required components for the dentist's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

(4) "Substance abuse" means the impairment, as determined by the board, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the dentist or the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

(6) "Dentist support group" is a group of dentists and/or other health professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(7) "Twelve-steps groups" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are observed laboratory tests to detect the presence of drugs of abuse in bodily fluids which are performed at irregular intervals not known in advance by the person to be tested.

NEW SECTION

WAC 308-25-320 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the recovery of dentists. The board will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program may provide evaluations and/or treatment to the participating dentists.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Dentists' support groups;
- (e) The dentists' work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) An approved monitoring program will enter into a contract with the dentist and the board to oversee the dentist's compliance with the requirements of the program.

(4) An approved monitoring program staff will evaluate and recommend to the board, on an individual basis, whether a dentist will be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(5) An approved monitoring program shall maintain records on participants.

(6) An approved monitoring program will be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the board any dentist who fails to comply with the requirements of the monitoring program.

(8) An approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the board.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and/or limitations on the practice of dentistry for those participating in the program.

(10) An approved monitoring program shall provide for the board a complete financial breakdown of cost for each individual dental participant by usage at an interval determined by the board in the annual contract.

(11) An approved monitoring program shall provide for the board a complete annual audited financial statement.

(12) An approved monitoring program shall enter into a written contract with the board and submit monthly billing statements supported by documentation.

NEW SECTION

WAC 308-25-330 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the dentist may accept board referral into an approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professionals with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to the following:

(i) The dentist will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(ii) The dentist will submit to random drug screening as specified by the approved monitoring program.

(iii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the board if the dentist does not comply with the requirements of this contract.

(iv) The dentist will undergo intensive substance abuse treatment in an approved treatment facility.

(v) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(vi) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The dentist will attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The dentist will comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved monitoring program may make an exception to the foregoing comments on individual contracts.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the board or subject to current disciplinary action, not currently being monitored by the board for substance abuse, may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The dentist will undergo approved substance abuse treatment in an approved treatment facility.

(ii) The dentist will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The dentist will submit to random observed drug screening as specified by the approved monitoring program.

(vi) The dentist will attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(vii) The dentist will comply with practice conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the board if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

WSR 90-10-038
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
(Hazardous Materials Advisory Committee)
[Memorandum—April 27, 1990]

The Washington State Hazardous Materials Advisory Committee will meet on June 5, 1990, from 1:30 p.m. to 3:30 p.m. at the Department of Labor and Industries Rehabilitation Resource Center, 12806 Gateway Drive, Seattle, WA 98168.

WSR 90-10-039
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed April 26, 1990, 3:06 p.m.]

Original Notice.

Title of Rule: Amending WAC 356-15-130, Special pay ranges.

Purpose: This rule is to add special pay ranges to specific classifications to equal or approximate prevailing rate practices found in private industry or other governmental units.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: Lottery employees participating in their televised drawings shall be paid \$20.00 per hour for their time.

Reasons Supporting Proposal: The reason for this proposal is to provide equal pay for equal time and work.

Name of Agency Personnel Responsible for Drafting: Tim Seth, 521 Capitol Way South, Olympia, 586-0194; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Washington State Lottery, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Department of Personnel requests adoption.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is used for special pay ranges for classifications identified to equal or approximate prevailing rate practices found in private industry or other governmental units. Currently, eleven volunteer staff of the lottery participate in the six daily televised lottery drawings held each week on a rotational basis. Three of the volunteers repeat the weekly cycle every 4 to 6 weeks averaging approximately 13 hours of participation per cycle. As such, they are being compensated under overtime provisions of 1 1/2 times base pay resulting in anywhere between \$14.22 and \$34.05/hr. The lottery would like to standardize their compensation practices so that all participants receive equal pay for equal time. The proposed \$20.00 per hour represents the current average overtime payout, and would be paid in lieu of future overtime compensation.

Proposal Changes the Following Existing Rules: The current rule has other classifications identified for this special pay range. Lottery would like to make this volunteer staff be compensated on an equal basis for all employees. This would add an additional paragraph to this rule to include the \$20.00 per hour average pay for employees of the lottery who volunteer for the services as stated above.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 14, 1990, at 10:00 a.m.

Submit Written Comments to: Tim Seth, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May [June] 12, 1990.

Date of Intended Adoption: June 14, 1990.

April 18, 1990
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 321, filed 6/26/89, effective 8/1/89)

WAC 356-15-130 SPECIAL PAY RANGES. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" RANGE: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) "L" RANGE: This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at

the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" RANGE: Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the "T" range; the lower nine steps of the "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" RANGE: Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "I" RANGE: This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (a) May not exceed ten weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) "J" RANGE: This range consists of the single rate of \$20.00 per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: 1) the lottery drawing official (LDO); 2) the lottery security official (LSO); or 3) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" rate on an hourly basis with a 2-hour minimum per drawing period.

WSR 90-10-040
WITHDRAWAL OF PROPOSED RULES
UNIVERSITY OF WASHINGTON
(By the Code Reviser's Office)
[Filed April 27, 1990, 9:29 a.m.]

WAC 478-116-250, 478-116-260 and 478-116-600, proposed by the University of Washington in WSR 89-20-041, appearing in issue 89-20 of the State Register, which was distributed on October 18, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-10-041
PROPOSED RULES
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Filed April 27, 1990, 9:38 a.m.]

Original Notice.

Title of Rule: Loss of eligibility—Student athletic participation.

Purpose: Adopts rules disqualifying a student from participation in any school-sponsored athletic event or activity should that student have violated chapter 69.41 RCW, dealing with the prohibited uses of anabolic steroids and/or legend drugs (prescription drugs).

Other Identifying Information: Sets grounds for ineligibility, suspension procedure and right to a formal hearing, and decision guidelines.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 69.41.340 (chapter 369, Laws of 1989, SHB 1558).

Summary: See Purpose above.

Reasons Supporting Proposal: To comply with section 6, chapter 369, Laws of 1989 (SHB 1558).

Name of Agency Personnel Responsible for Drafting: Kenneth J. Minnaert, Building 25, South Puget Sound Community College, Olympia, Washington, 754-7711 ext. 202; Implementation and Enforcement: Greg Gurske, Building 25, South Puget Sound Community College, Olympia, Washington, 754-7711 ext. 231.

Name of Proponent: South Puget Sound Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: State statute mandates that schools and colleges adopt rules disqualifying a student from participation in any school-sponsored athletic event or activity should that student have violated chapter 69.41 RCW, an RCW dealing with the prohibited uses of anabolic steroids or legend drugs. Specifically, this act pertains to those students involved in intercollegiate as well as intramural sports. Said student(s) will be disqualified from participating in any school-sponsored athletic event.

Proposal does not change existing rules.

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

Hearing Location: Board Room, Building 25, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98502, on June 7, 1990, at 3:00 p.m.

Submit Written Comments to: Kenneth J. Minnaert, President, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98502, by June 1, 1990.

Date of Intended Adoption: June 7, 1990.

April 26, 1990
Kenneth J. Minnaert
President

SOUTH PUGET SOUND COMMUNITY COLLEGE
DISTRICT 24
LOSS OF ELIGIBILITY—STUDENT ATHLETIC
PARTICIPATION

NEW SECTION

WAC 132X-60-160 GROUNDS FOR INELIGIBILITY. Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or by decision of the college's presiding officer shall be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132X-60-170 **SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING.** Any student notified of a claimed violation of WAC 132X-60-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the dean of students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132X-60-180 **HEARING.** If a timely written request for a hearing is made, the dean of students shall designate a presiding officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.484-494.

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 132X-60-190 **DECISION.** The college official who acts as presiding officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the dean of students.

WSR 90-10-042**PERMANENT RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed April 27, 1990, 9:56 a.m., effective May 1, 1990]

Date of Adoption: April 6, 1990.

Purpose: Adoption of those procedural rules necessary to comply with the Administrative Procedure Act, chapter 34.05 RCW, and repeal of procedural rules adopted under predecessor statute, chapter 28B.19 RCW. Other amendments and new rules to comply with chapter 69.41 RCW and bring up-to-date references to "university," rather than "college," and similar editorial changes.

Citation of Existing Rules Affected by this Order: Repealing chapter 516-08 WAC; and amending chapters 516-04, 516-11, 516-13, 516-22, 516-24, 516-26, 516-36, 516-37, 516-38, 516-56, 516-60, [516-108], 516-133 and [516-400] WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Other Authority: RCW 34.05.220 (1)(b), 34.05.250, 28B.15.600, 42.17.310, 42.30.070 - [42.30].075, chapters 69.41 and 43.21C RCW.

Pursuant to notice filed as WSR 90-02-029 on December 29, 1989.

Changes Other than Editing from Proposed to Adopted Version: Only minor editing in WAC 516-11-010,

516-11-060(2), 516-11-080(2), 516-37-100(1) and 516-56-021.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The presently enforced rules were previously adopted on an emergency basis and their effective date ends on April 30, 1990. These new rules need to have an effective date of May 1, 1990, in order to protect and promote the public health, safety and welfare of the university.

Effective Date of Rule: May 1, 1990.

April 26, 1990

Wendy K. Bohlke

Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-04-010 **REGULAR MEETINGS.** Regular meetings of the board of trustees of Western Washington (~~(State College)~~ University) shall be held on the first Thursday of each month a meeting is held unless such date is changed by board resolution at a meeting regularly scheduled or called for that purpose. A copy of such resolution shall be filed in the president's office. The annual meeting schedule will be published in the Washington State Register prior to January each year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 516-08-002 **FORMAL HEARING POLICY.**

WAC 516-08-005 **DEFINITIONS.**

WAC 516-08-010 **APPEARANCE AND PRACTICE BEFORE AGENCY.**

WAC 516-08-070 **COMPUTATION OF TIME.**

WAC 516-08-080 **NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.**

WAC 516-08-090 **SERVICE OF PROCESS—BY WHOM SERVED.**

WAC 516-08-100 **SERVICE OF PROCESS—UPON WHOM SERVED.**

WAC 516-08-110 **SERVICE OF PROCESS—SERVICE UPON PARTIES.**

WAC 516-08-120 **SERVICE OF PROCESS—METHOD OF SERVICE.**

WAC 516-08-130 **SERVICE OF PROCESS—WHEN SERVICE COMPLETE.**

WAC 516-08-140 **SERVICE OF PROCESS—FILING WITH AGENCY.**

WAC 516-08-150 **SUBPOENAS—WHERE PROVIDED BY LAW—FORM.**

WAC 516-08-170 **SUBPOENAS—SERVICE.**

WAC 516-08-190 **SUBPOENAS—PROOF OF SERVICE.**

WAC 516-08-230 **DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.**

WAC 516-08-240 **DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.**

WAC 516-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.

WAC 516-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.

WAC 516-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEONENTS.

WAC 516-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION.

WAC 516-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.

WAC 516-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.

WAC 516-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.

WAC 516-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEONENTS.

WAC 516-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.

WAC 516-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.

WAC 516-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.

WAC 516-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.

WAC 516-08-370 OFFICIAL NOTICE—MATTERS OF LAW.

WAC 516-08-380 OFFICIAL NOTICE—MATERIAL FACTS.

WAC 516-08-390 PRESUMPTIONS.

WAC 516-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.

WAC 516-08-420 DEFINITION OF ISSUES BEFORE HEARING.

WAC 516-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED.

WAC 516-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.

WAC 516-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.

WAC 516-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.

WAC 516-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.

WAC 516-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.

WAC 516-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

WAC 516-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 516-08-470 OR 516-08-480.

WAC 516-08-510 CONTINUANCES.

WAC 516-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.

WAC 516-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.

WAC 516-08-540 HEARING OFFICERS.

WAC 516-08-550 DUTIES OF HEARING OFFICERS.

WAC 516-08-560 REVIEW OF FORMAL HEARING PROCEEDINGS BY THE BOARD OF TRUSTEES.

WAC 516-08-570 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

WAC 516-08-600 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

WAC 516-08-610 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

WAC 516-08-620 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

WAC 516-08-630 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-010 DEFINITION AND CLASSIFICATION OF PUBLIC RECORDS. (~~A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Western Washington State College, regardless of the physical form or characteristics: PROVIDED, HOWEVER, That in accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of public record:~~

(a) ~~Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.~~

(b) ~~Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.~~

(c) ~~Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.~~

~~(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.~~

~~(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.~~

~~(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.~~

~~(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.~~

~~(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.~~

~~(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.~~

~~(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.~~

~~(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.) As used in this chapter, the term "public" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100, subject to the exemptions set forth in RCW 42.17.310, as now or hereafter amended.~~

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-040 GENERAL COURSE AND METHOD OF DECISION MAKING. ~~((+))~~ The formal procedures for decision making at the ~~((college))~~ university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter ~~((28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA)))~~ 34.05 RCW,

the Administrative Procedure Act. Accordingly, all rules, orders or directives, or regulations of the ~~((college))~~ university which affect the relationship of particular segments of the ~~((college, such))~~ university, as students, faculty, or other employees, with the ~~((college))~~ university or with each other,

~~((a))~~ (1) The violation of which subjects the person to a penalty or administrative sanction; or

~~((b))~~ (2) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

~~((c))~~ (3) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law;

are implemented through the procedures of the ~~((HEAPA))~~ Administrative Procedure Act and appear in Title 516 WAC: PROVIDED, HOWEVER, That in accordance with RCW ~~((28B.19.020(2)))~~ 34.05.010(15), the ~~((college))~~ university reserves the right to promulgate as internal ~~((rules))~~ procedures not created or implemented in accordance with the ~~((HEAPA))~~ Administrative Procedure Act, the following: ~~((Rules, regulations, orders, statements;))~~ Procedures or policies relating primarily to the following: Standards for admissions; academic advancement, academic academic credits, graduation and the granting of degrees; ~~((tuition and fees, scholarships, financial aids, and similar academic matters;))~~ employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under ~~((HEAPA))~~ the Administrative Procedure Act unless otherwise required by law. Internal ~~((rules and regulations))~~ procedures to the extent not already set forth in the ~~((college's))~~ university's published catalogs and handbooks ~~((on file in the reference room of the library))~~ are ~~((in the process of being collected in a general college handbook a copy of which shall, upon its completion, also be filed in the reference room of the college library and be))~~ available to the public on file in the reference room in the library.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-060 DESIGNATION OF PUBLIC RECORDS OFFICERS. (1) In accordance with the requirements of ~~((Initiative 276))~~ chapter 42.17 RCW, insofar as such ~~((initiative))~~ chapter requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the ~~((college))~~ university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." ~~((The person holding such position will be headquartered in the administration building of the college; his exact location and name may be determined by inquiry at the office of the president of the college. The~~

public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.)

(3) For purposes of this chapter, the custody of the ~~((college's))~~ university's records shall be deemed divided into the following divisions:

- (a) Office of the ~~((provost))~~ president;
- (b) Office of the ~~((president))~~ provost;
- (c) Office of ~~((the dean of students))~~ student affairs;
- (d) Office of ~~((the))~~ business ~~((manager))~~ and financial affairs.

The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his or her division and responsible for the care and custody of records within his or her division even though such person is not in actual possession or control of such records. Such division heads shall be known as the ~~((college))~~ university "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-070 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS. ~~((+))~~ Public records shall be available for inspection and copying during the customary office hours of the ~~((college))~~ university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the ~~((college))~~ university, acting through the public records officer or a records custodian, agree on a different time.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-080 REQUESTS FOR PUBLIC RECORDS. In accordance with ~~((the Initiative 276))~~ chapter 42.17 RCW requirements that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ~~((upon a form which shall be available at the office of the public records officer))~~ and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain ~~((college))~~ university records, per WAC 516-11-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and

(c) If the matter requested is referenced within the current index maintained by the ~~((college))~~ university records officer, a reference to the requested record as it is described in such index;

(d) If the requested matter is not identifiable by reference to the ~~((college))~~ university records current index, a statement that succinctly describes the record requested;

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the ~~((college))~~ university person to whom the request is being made to assist the member of the public in ~~((succinctly))~~ identifying the public record requested.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-090 CHARGES FOR COPYING.

(1) No fee shall be charged for inspection of public records. The ~~((college))~~ university may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the ~~((college))~~ university for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The ~~((college))~~ university reserves the right to determine that a public record requested in accordance with the provisions of this chapter is exempt under the provisions of ~~((section 31 of Initiative 276))~~ RCW 42.17.310. Such determination may be made in consultation with any of the records officer(s) of the ~~((college))~~ university, the president of the ~~((college))~~ university, or ~~((an))~~ the assistant attorney general assigned to the ~~((college))~~ university.

(2) Responses to requests for records must be made promptly. ~~((For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored.~~

~~((3) No denial of a request))~~ Denials of request for public records ~~((shall))~~ must be ~~((valid unless))~~ accompanied by a written statement, ~~((signed by the public records officer or his designee,))~~ specifying the specific reasons therefor.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who

objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the ~~((college))~~ university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president ~~((of the college or any of his designees))~~, or his or her designee, which for the purposes of this section may include the public records officer or the records custodians, shall consider such petition. The review decision shall be in writing and transmitted to the person prior to the end of the second business day after receipt of the written request for review.

~~((3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or his designee.~~

~~(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-11-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION AT WESTERN WASHINGTON STATE COLLEGE.

WAC 516-11-050 INFORMAL PROCEDURES REGARDING THE GENERAL COURSE AND METHODS OF DECISION.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-020 PARKING REGULATIONS.
(1) All state of Washington bicycle regulations are applicable on the campus.

(2) All city of Bellingham bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings ~~((f))~~, on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (identifiable by a ~~((placque))~~ plaque).

(5) Improperly parked bicycles are subject to impoundment.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-134 DISRUPTION OF THE JUDICIAL PROCESS. Student rights and responsibilities contained within this code are assured through the orderly functioning of the judicial process. The failure of a student formally charged with a violation of this code to appear before the conduct officer after receiving notice of a hearing shall make the student subject to disciplinary action. A student formally charged with a violation of this code may not excuse himself or herself from judicial proceedings by withdrawing from the university and shall be prohibited from enrolling for subsequent quarters until such time as he/she does appear for a hearing.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-146 RIGHT TO ~~((FORMAL))~~ HEARING. Included with the notification of the judicial board's decision shall be a statement that the student has a right to a ~~((format))~~ hearing pursuant to RCW ~~((28B-19-110))~~ 34.05.485 and chapter ~~((516-08))~~ 516-108 WAC.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-150 INTERIM SUSPENSION PERMITTED. In order to prevent danger to individuals, substantial destruction of property or significant disruption of teaching, research or administrative functions, the vice-president for student affairs or his or her designee may temporarily suspend a student for stated cause subject to such limitation as the vice-president shall deem appropriate.

In all cases, the student is entitled to a hearing before the appropriate conduct officer or board as soon as such hearing can be held, but not to exceed five school days after the beginning date of interim suspension unless the student should request an extension. During the interim

suspension period, the student shall be allowed on university property only to the extent deemed permissible by the vice-president for student affairs.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-001 CONDUCT OF CAMPUS GUESTS AND VISITORS. (1) The rules and regulations prescribed in this Title 516 WAC shall be observed by guests and visitors while on the campus, or other ((college)) university property.

(2) Guests and visitors on campus or other ((college)) university property who willfully refuse to obey an order of a uniformed campus security officer or other law enforcement officer to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-050 COMMUNITY RELATIONS. The public information office serves as an information service center for the ((college)) university, responsible for supplying information and answering queries about the ((college)) university from news media, individuals and organizations external to the ((college)) university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-060 ALUMNI RELATIONS. The alumni relations office shall be the office through which the ((college)) university chiefly communicates with its graduates, and shall be responsible for maintenance of current files concerning alumni information. Alumni mailing lists maintained by the alumni relations office shall be confidential property of the ((college)) university and the alumni association and shall not generally be provided to any other agency. Requests for lists for purposes of conducting legitimate educational research shall be subject to the review and approval of the alumni relations office and the office of the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-115 BUSINESS OFFICE—CASHIER. The cashier's office of the Western Washington ((State College)) University business office shall be open for business during the hours posted by the ((college controller or his designee)) university director of fiscal services. Personal checks may be cashed by staff and faculty at the cashier's window, subject to such limitations as may be imposed by the ((comptroller)) director of fiscal services. No two-party, state, or ((WWSC)) WWU checks shall be cashed. Any N.S.F. checks cashed by the cashier will be referred to the appropriate department head and subsequent check cashing privileges cancelled.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-130 DEMONSTRATIONS. The value of active participation in political and social issues is recognized by Western Washington ((State College)) University as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States and will be promoted and respected at all times.

The ((college)) university further recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

To achieve these objectives it is essential that demonstrations be orderly and conducted in a manner that allows the college to function toward its established goals. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

(1) Classroom activities and other educational pursuits;

(2) Recognized ((college)) university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;

(3) Pedestrian and vehicular traffic;

(4) Preservation and protection of ((college)) university property and personal property of individuals.

Any person persisting in such conduct after being requested to cease by ((college)) university authorities, shall be subject to disciplinary proceedings. Such disciplinary proceedings shall be by the appropriate campus justice committee, subject to final review, hearing, and decision by the president and the board of trustees.

Where necessary for the preservation of order and to enforce the law, the president of the ((college)) university or his or her designee is authorized to call upon law enforcement officers for assistance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-24-120 OFFICIAL DAILY BULLETIN.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-010 PURPOSE. The purpose of this chapter is to implement ((Public Law 93-380)) 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-020 DEFINITIONS. For purposes of this chapter the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Western Washington University and with respect to whom the university maintains education records or personally identifiable information.

(2)(a) "Education records" shall refer to those records, files, documents and other materials maintained by Western Washington University or by a person acting for Western Washington University which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) If the personnel of the university's department of safety and security do not have access to education records under WAC 516-26-080, the records and documents of the department which are kept apart from records described in WAC 516-26-020 (2)(a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the university in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose except that records relating to an individual in attendance at the university who is employed as a result of his or her status as a student are education records and not excepted; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Personally identifiable information" shall refer to data or information which includes either (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) the address of the student's family, (d) a personal identifier, such as the student's social security number or student number, ~~((d))~~ (e) a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or ~~((e))~~ (f) other information which would make it possible to identify the student with reasonable certainty.

(4) "Vice-president for student affairs" shall refer to the vice-president for student affairs or his designee.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-090 DIRECTORY INFORMATION. (1) The university may release "directory information" concerning a student to the public unless the student requests in writing of the vice-president for student affairs that the student's directory information not be released except as provided in WAC 516-26-070, 516-26-075, 516-26-080 or 516-26-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, ~~((class schedule[,]))~~ dates of attendance, degrees and awards received, participation in officially recognized sports~~(;)~~ and activities, weight and height if a member of an athletic team, and the most recent previous educational institution attended.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER. The university shall ~~((provide reasonable notification to students of the rights of students under this chapter.~~

~~((1) Notice will be provided to students under this section at least annually, and shall include the following:~~

~~((a) A statement of the types of education records maintained by the university;~~

~~((b) The name and position of the employee of the university responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which such persons have access;~~

~~((c) A copy of the rules and procedures set forth in this chapter; and~~

~~((d) A statement concerning the cost which will be charged to a student for reproducing copies of the student's records)) annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.~~

The notice shall include a statement that the student has a right to each of the following:

(1) Inspect and review the student's education records;

(2) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the university to comply with the requirements of the act;

(5) Information concerning the cost to be charged for reproducing copies of the student's records; and

(6) Obtain a copy of the regulations in this chapter (chapter 516-26 WAC).

The notice shall indicate the places where copies of these regulations are located.

Chapter 516-36 WAC
 USE OF ((COLLEGE)) UNIVERSITY FACILITIES—SCHEDULING

WAC

- 516-36-001 Use of ((college)) university facilities by off-campus persons or groups—Requests.
- 516-36-020 Use of ((college)) university facilities by off-campus persons or groups—Evaluation of request for use.
- 516-36-030 Use of ((college)) university facilities by off-campus persons or groups—Assessment of fees.
- 516-36-040 Use of facilities by persons or groups affiliated with the ((college)) university—Authority to develop policies.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-001 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—REQUESTS. Any person who is not affiliated with the ((college)) university and who desires to use ((college)) university facilities on a temporary basis for purposes other than assigned ((college)) university activities shall submit a request for use of ((college)) university facilities to the president or his designee.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-020 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—EVALUATION OF REQUEST FOR USE. (1) The president, ((f)) or the president's designee((h)), shall have the authority to accept or reject, in whole or in part, a request submitted pursuant to WAC 516-36-001.

(2) In evaluating a request submitted pursuant to WAC 516-36-001, the president shall consider the following factors:

(a) Whether the facilities requested are to be used in connection with a regularly scheduled ((college)) university program.

(b) Whether the intended use of the ((college's)) university's facilities is compatible with the educational mission and objectives of the ((college)) university.

(c) Whether the intended use might cause a disruption of the ((college's)) university's relationship with the local community by conflicting with services provided by private enterprise within the Bellingham area.

(d) The capabilities, qualifications, experience, and financial stability of the individual, organization, or group submitting the request.

(3) Whenever the president (or the president's designee) rejects, either in whole or in part, a request for use of ((college)) university facilities, the reasons for such rejection shall be stated in writing.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-030 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—ASSESSMENT OF FEES. (1) The president, ((f)) or the president's designee((h)), shall have authority to establish a schedule of fees to govern the use of ((college)) university facilities by persons who are not affiliated with the ((college)) university, and to alter or modify the fee schedule whenever such action is deemed to be necessary or appropriate or in the best interests of the ((college)) university. The fee for each campus facility shall be sufficient to insure the recovery by the ((college)) university of all direct and indirect costs associated with the use of the facility, including all direct and indirect costs of goods or services furnished by the ((college)) university in connection with the use of the facility.

(2) The president, ((f)) or the president's designee((h)), may waive all or part of the normal fee for use of a particular facility by persons not affiliated with the ((college)) university under the following circumstances:

(a) Members of the ((college)) university community will receive a substantial benefit from the intended use of the facility and no person or group will derive profit from the intended use of the facility; or

(b) The group requesting the use of the ((college's)) university's facility is an agency of the state of Washington.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-040 USE OF FACILITIES BY PERSONS OR GROUPS AFFILIATED WITH THE ((COLLEGE)) UNIVERSITY—AUTHORITY TO DEVELOP POLICIES. The president, ((f)) or the president's designee((h)), shall have authority to develop and implement policies relating to the use of ((college)) university facilities by persons or groups affiliated with the ((college)) university.

Chapter 516-37 WAC
 USE OF ((COLLEGE)) UNIVERSITY FACILITIES—LIBRARY AND ((EDUCATIONAL)) MEDIA SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-001 USE OF LIBRARY FACILITIES BY NONCAMPUS RELATED PERSONS. General policy is to extend the use of Wilson Library resources and facilities freely to noncampus persons who wish to make use of Wilson Library resources for some scholarly, book or study-related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well. Such use of library facilities by noncampus related persons does not extend to borrowing privileges, except materials may be loaned to persons in the following categories

upon such terms as the director of ~~((the library))~~ libraries or his or her designee shall approve:

(1) Faculty of other ~~((four-year colleges and))~~ universities are accorded borrowing privileges ~~((under the))~~ pursuant to reciprocal ((library privilege policy adopted by the Washington higher education library committee in 1969)) agreements.

(2) Persons who ~~((have joined the "Friends of the Mabel Zoe Wilson Library" at a minimum rate of ten dollars are issued cards only upon application which are renewable each year, upon application, by such persons))~~ obtain an annually renewable community card for an annual fee.

(3) Persons who join the Western Washington ~~((State College))~~ University Alumni Association ~~((and who subscribe ten dollars or more are issued cards only upon application)).~~

(4) Cooperating teachers ~~((are provided loan privileges)),~~ upon request.

(5) Individuals approved by the director of ~~((Wilson Library))~~ libraries or his or her designee, such as visiting scholars, research-oriented members of the local community, faculty from neighboring colleges, city officials, local teachers~~((:))~~ who may be issued a short-term ((associate)) courtesy card."

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-005 LIBRARY HOURS. During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. Wilson Library may be open for limited service on holidays when demand for library facilities can be expected from the ~~((college))~~ university community. Hours may be adjusted without notice to meet special conditions.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-010 LIBRARY HOURS—LIBRARY—BULLETIN BOARD POSTING. All posting in Wilson Library is permitted only on the regularly designated bulletin boards. Responsibility and supervision of all bulletin boards in the library is assigned to the reference department. All posters or materials requested to be displayed by students are expected to carry the ASB stamp and to be dated. Posters that do not carry the ASB stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the assistant director ~~((for public services))~~ of libraries or his or her designee. University posters are approved at the library reference desk.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-011 LIBRARY HOURS—LIBRARY—HANDBILLS. No handbills or other literature may be passed out in the library. ~~((Upon application and with the permission of Wilson Library, any literature which qualifies under the provisions of WAC~~

~~516-20-014 may be placed at the circulation desk in a location designated by the circulation staff.))~~

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-100 ~~((EDUCATIONAL))~~ MEDIA SERVICES. ~~((Educational media services coordinate the utilization of the various media of communication in support of the instructional program. Such facilities are not available for nonacademic purposes, provided that the audio-visual reference service may, in its discretion, loan equipment to student organizations which are officially recognized by the associated students of Western Washington State College.~~

(1) Requests for equipment and operators must be placed with the student activities office and transmitted to the audiovisual office for scheduling and related arrangements 24 hours in advance.

(2) The student group assumes full responsibility for any damage or loss of borrowed audio-visual equipment. A loan charge shall be required for equipment which is borrowed and a schedule of loan charges shall be available at the student activities office and at the audiovisual office.) Media services provides media support for the university, primarily for classroom instruction. Support is provided in two ways: Production of medial materials and distribution/utilization of media. Services include audio-visual, video, graphics, and media engineering.

Media services provides training opportunities for students in graphics, television production and distribution, and audio-visual support. This training occurs through regular student employment and internships in collaboration with academic departments. Department staff also contribute to formal instruction in regular university courses.

There is no charge for services in direct support of classroom instruction other than for materials. For some services there are charges to other units of the university. Equipment may not be borrowed for non-university purposes.

Media services may, at commercially competitive rates or for value received, sell services to noncampus clients pursuant to provisions of chapter 28B.63 RCW, "Commercial activities by institutions of higher education," as it exists now or may hereafter be amended.

Chapter 516-38 WAC
~~((USE OF CAMPUS FACILITIES—GENERAL))~~
ACCESS TO CAMPUS SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-050 COMPUTER CENTER. The computer center of Western Washington ~~((State College))~~ University serves the instructional, research, and administrative computing needs of the campus.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-051 COMPUTER USE. First priority for computer use shall be given the scholarly pursuits

of the ~~((college's))~~ university's students and staff in research and instructional processes. The computer center may, at commercially competitive rates or for value received, sell services to noncampus clientele when, in the opinion of the director of the computer center,

~~((a))~~ (1) The sale will not in any way jeopardize, dilute or compromise the center's service to campus clientele, and

~~((b))~~ (2) Similar services are not available elsewhere in the community, and

~~((c))~~ (3) The service involves an appropriate, sensible, and nontrivial use of the computer relating to some ~~((college))~~ university program or goal.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-110 SPEECH CLINIC. The resources of the speech and audiology clinic of ~~((the))~~ Western Washington ~~((State College speech department))~~ University may be made available to persons in the ~~((county))~~ region with hearing or speech defects. Applications for the use of such resources shall be made through the chairman of the ~~((speech))~~ department, or his or her designee, who may charge a fee for such service. The fee schedule shall be prominently posted in the office of the ~~((speech))~~ department.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-115 CAREER PLANNING AND PLACEMENT CENTER. The career planning and placement center provides (1) career planning services for undergraduates and (2) placement services for the following "eligible persons": Graduating seniors (who may establish placement credentials the quarter they become a senior), graduate degree or certificate candidates (including graduates of other institutions who may establish placement credentials upon earning thirty quarter credit hours toward advanced degree or certificate at Western) and alumni (who have received ~~((a))~~ degrees or certificates from Western). Open lists of all employment opportunities and campus recruiting visits are maintained by the placement center for qualified students.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-116 CAREER PLANNING AND PLACEMENT CENTER—PLACEMENT CREDENTIALS—FEES. Eligible persons may complete registration forms at the career planning and placement center establishing placement credentials to be placed in the center's placement credentials file. The center may charge fees for its services and its schedule of fees shall be prominently posted within the ~~((placement))~~ center. Placement center services may be denied any individual who fails to pay placement fees when due. The center shall not duplicate or mail incomplete credential files,

individual recommendations or personal resumes. Credentials are confidential and may only be sent to legitimate prospective employers or transferred to other educational institutions for establishment there of placement credentials.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-117 RECRUITMENT ACTIVITIES. (1) ~~((All legitimate))~~ Employers, ~~((f))~~ organizations interested in hiring graduating students or alumni, and recruiting personnel from college or university graduate schools ~~((, provided, however, that no commercial or state employment agency shall be allowed to solicit students or alumni on campus))~~ may conduct recruitment activity on campus and shall be coordinated by the placement center subject to the following conditions:

~~((A))~~ (a) Employers shall not be eligible to recruit on campus unless they comply with all federal and state laws against discrimination.

~~((B))~~ (b) All interviewing arranged by the placement center shall be conducted in offices or space provided by the placement center.

~~((C))~~ (c) Recruiters for school districts, business and industrial firms and government agencies may be assigned individual rooms and eligible persons required to adhere to prearranged interview schedules.

~~((D))~~ (d) Recruiters for the military, Peace Corps and Vista may be assigned individual rooms and students may be interviewed on a "drop-in" basis.

~~((E))~~ (e) All company literature and brochures shall be displayed either within the interviewing room or on placement center literature tables.

~~((F))~~ (f) Poster boards and signs related to campus interviews may be posted on bulletin boards or other designated areas upon the approval of the placement center, in compliance with ~~((college))~~ university policy.

~~((G))~~ (2) All prospective employers shall be free to present their points of view, and all students shall be free to determine whether they desire to listen to their presentations.

~~((Z))~~ (3) To be eligible to sign up for recruitment interviews, candidates must meet the qualifications stipulated by the prospective employer. First priority on sign-up schedules shall be given students currently enrolled and eligible for placement services (provided they have established complete placement credentials with the placement center) and second priority shall be given alumni eligible for placement services (provided they have established complete placement credentials with the placement center).

Chapter 516-56 WAC
~~((COLLEGE))~~ UNIVERSITY HOUSING AND DINING

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-001 HOUSING AND DINING—GENERAL. The objectives of the housing and dining

areas maintained by Western Washington (~~State College~~) University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-002 APPLICABILITY OF HOUSING AND DINING RULES. The rules set forth in this chapter are applicable to and binding upon all persons utilizing (~~WWSC~~) WWU housing and dining facilities.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-010 APPLICATIONS FOR RESIDENCE HALLS AND (~~COLLEGE~~) UNIVERSITY APARTMENTS. All applications for space in housing must be made on the forms provided by the housing office. Applications for housing shall not be accepted unless the applicant is either (1) a new student who has been admitted to the (~~college~~) university and has pre-paid the advanced registration fee, or (2) a student presently enrolled at Western Washington (~~State College~~) University, or (3) a student who has previously been enrolled at Western Washington (~~State College~~) University, or (4) a member of faculty or staff.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-011 ASSIGNMENTS TO RESIDENCE HALLS. In making assignments to residence halls, (~~students already residing in the residence halls shall have first choice in the assignment of accommodations, and students who have lived in the residence halls for the longest period of time shall be given priority in such assignments. Exceptions to the assignment procedure may be made for minority groups where the program involved is recognized as a college project~~) the following institutional goals will be considered:

- (1) Providing residence hall experience to freshmen;
- (2) Providing residence hall experience to a diverse student population.

Given those goals, students previously residing in the residence hall system shall have first choice in assignment of accommodations available, and students who have lived in the residence halls for the longest period shall be given priority in such assignments.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-012 ASSIGNMENTS TO (~~COLLEGE~~) UNIVERSITY APARTMENTS. The housing office shall determine which individual applicants for (~~college~~) university housing will have priority in receiving assignments to (~~college~~) university apartments by utilizing a priority point system based on the following criteria:

(~~(a)~~) (1) Students already living on campus shall be given priority points;

(~~(b)~~) (2) Students already residing in a particular apartment shall be given priority points in terms of re-assignment to that apartment;

(~~(c)~~) (3) Priority points shall be awarded to students on the basis of their class level (e.g. graduate, senior, junior, sophomore, freshman);

(~~(d)~~) (4) In determining assignments to four-person apartments, priority points will be given to applicant groups consisting of four students (as opposed to smaller groups). In determining assignments to two-person apartments, priority points will be given to applicant groups consisting of two persons.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-021 ROOM AND BOARD PAYMENTS. Room and board contracts may be offered to students on either a quarterly basis or an academic year basis. Charges for room and board shall begin on the official opening date of the residence halls, as announced. Board only contracts may be sold to any student, faculty or staff member of Western Washington University.

(~~(1) Room only contracts may be offered to those students living in the Fairhaven housing units.~~

(2) ~~Board only contracts may be sold to any student, faculty or staff member of Western Washington State College.~~)

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-023 CHARGES FOR DAMAGES. Persons assigned to (~~college~~) university housing are responsible for keeping the apartments and rooms, together with their contents, free from damage. The cost of any damage or extra custodial service shall be charged to those to whom the apartments or rooms are assigned. Damage shall include the cost of replacing any (~~college~~) university equipment or furniture moved or taken from any building without written authorization of the housing office, and removal without such permission is prohibited. Bills for such damages shall be due upon demand.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-030 ENTRY INTO ROOMS OR APARTMENTS. The (~~college~~) university respects the rights of the individual to his privacy. The (~~college~~) university expressly reserves, however, the right of entry to any room or apartment (1) to make repairs (which shall include such right even in the absence of the tenant(s) when the repairs are requested by the tenant(s)), and (2) where there are reasonable grounds to believe that a condition exists which may threaten the health, safety or welfare of persons or property within the building (~~and (3) on the third day following a general announcement of intention to inspect physical facilities~~)).

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-050 RESPONSIBILITY FOR PERSONAL PROPERTY. The ~~((college))~~ university assumes no responsibility for loss or damage to any resident's personal property. Students are expected to carry their own insurance on personal property.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-060 ELIGIBILITY FOR OCCUPANCY. All students in ~~((college))~~ university housing must maintain a minimum of ~~((seven))~~ ten credit hours per quarter. Any student dropping below the required hours will be required to move unless exception for good cause is granted by the director of housing. Exception may be granted for tenants who wish to remain in their units between quarters or staff employed at Western Washington ~~((State College))~~ University. Tenants not meeting the above conditions shall be subject to immediate termination of occupancy as outlined in the housing contracts.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-070 HOUSING REGULATIONS—GENERAL. Occupants found in violation of any of the following regulations or the rules and regulations outlined in the "residential community" handbook and the "guide to students rights and responsibilities," copies of which are on file in the housing office, shall be given written notice to correct the violation. If correction is not made within ten days (or immediately if an emergency is held to exist), the tenant may be asked to vacate the property. Occupants evicted because of violation of the regulations or violation of the terms of their contract shall remain responsible for fulfilling their contracts unless released by the director of housing.

(1) The introduction or maintenance of pets, with the exception of small aquarium life, in any unit of college housing is prohibited except where a specific pet policy for a particular housing unit is approved by the advisory committee on housing and dining.

(2) Additions or alterations to a room or to any housing property are prohibited.

(3) Failure to pay charges when due shall (if unexcused by the director of housing) render the account delinquent. A charge equal to 10% of the amount due (not to exceed \$5.00) shall be assessed delinquent accounts. Delinquent accounts in excess of \$50.00 shall constitute grounds for cancellation of the contract and/or eviction.

Occupants may appeal to the appeal board established by the advisory committee on housing and dining from any adverse action taken by the ~~((college))~~ university pursuant to the regulations referred to or set forth in this section.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-001 CATALOG. All dates and procedures established by the board of trustees or president relating to admissions and registration shall be published annually in the appropriate ~~((college))~~ university catalog and shall be considered contractual between the student and the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-002 CHANGES IN CATALOG. The board of trustees reserves the right of the board of trustees or president to make changes in any of the provisions of the ~~((college's))~~ university's catalogs without prior notice. When changes are made they shall be filed in the appropriate ~~((college))~~ university offices and placed with the appropriate catalog in the reference area of the library.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-003 FINANCES. Each applicant for admission to Western Washington ~~((State College))~~ University must pay the tuition and fees as established by the board of trustees or the president prior to the dates for payment as designated by the board of trustees or the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-004 REFUND OF TUITION AND FEES. Each student who is admitted shall be required to confirm his or her intention to enroll by submitting a nonrefundable ~~((prepayment on tuition and fees))~~ admission fee.

(1) Ordinarily, a student who withdraws prior to the sixth day of general instruction in a quarter will receive a full refund of tuition and services and activities fees ~~((less the prepayment))~~.

(2) A refund of one-half of tuition and services and activities fees (less prepayment) is made to a student who withdraws on or after the sixth day of general instruction, subject to the provisions of subsection ~~((5))~~ (4) of this section.

(3) ~~((Students who, having paid part-time fees, add classes bringing their total to 7 or more credits, shall pay the difference between fees already paid and the full-time fee. Full-time students who drop classes so that their remaining total is 6 or fewer credits will receive a refund of either~~

~~((a) The difference between full and part-time fees, if the change is made before the sixth day of general instruction, or~~

~~((b) One-half such difference if the change is made on or after the sixth day of general instruction, subject to the provisions of subsection (5).~~

~~((4))~~ Nonresident fees paid by a student who, subsequent to the first day of general instruction, is reclassified a resident student shall not be refunded, nor shall

refunds be granted when reclassification is based upon a petition which is filed after registration.

~~((5))~~ (4) No refunds of tuition or fees shall in any case be made after the 30th day of general instruction except the period is extended for students who withdraw for medical reasons or who are called into the military service of the United States.

(5) For courses or programs that begin after the start of the regular quarter, a student may receive a full refund of fees if the student withdraws after the third day of instruction.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-005 RESIDENCY CLASSIFICATION. Determination of residency status for fees and tuition purposes shall be made at the time of admission or readmission to Western Washington ~~((State College))~~ University. A student tentatively classified as a nonresident shall be notified of such classification. Should the student contest the classification, he may submit a petition to the director of admissions containing such information as the latter may require. If based on the evidence contained in this petition, the director denies the petition, the student shall be notified. Should the student desire a further review, the director shall ~~((forward the petition, together with any additional materials provided by the student, to the office of the attorney general for review))~~ reconsider the petition and consider it to be a request for a brief adjudicative hearing under WAC 516-108-050 and RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-006 SANCTIONS. Admission to or registration with the ~~((college))~~ university, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-007 HEALTH ~~((EXAMINATION))~~ HISTORY. ~~((A health examination is required of all entering students prior to registration. Appropriate forms are sent to each student who accepts an offer of admission. Such forms must be completed and returned to the college by a licensed physician and must be based on an examination made within 90 days of enrollment. The protection of immunization is strongly urged and may be required at the discretion of the health service at student expense.))~~ Entering students are required to submit a personal medical history. Appropriate forms are sent to each student who accepts an offer of admission. A health examination form may be completed for those students who obtain a health examination prior to registration. Proof of immunization against tuberculosis must be included with the health history.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-015 REGISTRATION. Currently enrolled students and all other individuals desiring to enroll in Western Washington ~~((State College))~~ University shall do so on or before the preregistration or registration dates designated by the board of trustees or president, which shall be published in the appropriate ~~((college))~~ university catalog. No registration or preregistration shall be accepted after the designated dates, provided that the registrar may, whenever possible, waive this requirement within the time designated by the board of trustees or president for late registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-016 DEADLINES. All students registering with the ~~((college))~~ university must meet those deadlines as established by the board of trustees or the president for registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-017 CHANGES IN REGISTRATION AND WITHDRAWAL. Students who wish to change their registration or withdraw from a particular course or the ~~((college))~~ university after having completed their registration must do so on or before the dates established for such changes or withdrawal by the board of trustees or president as set forth in the ~~((college's))~~ university's catalog. Students may not enter new classes after the first week of instruction. Students who leave the ~~((college))~~ university without formally withdrawing shall receive failing grades. Any withdrawal after the sixth week of instruction will normally result in failing grades provided that the registrar may grant an exception where withdrawal is requested by the ~~((college))~~ university, in cases of serious illness or call to extended active military duty or in other highly extenuating circumstances.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-030 ADMISSION OF NONMATRICULATED STUDENTS. A nonmatriculated student does not enroll in the ~~((college))~~ university to follow the requirements for the bachelor's degree or any other program leading to a degree, credential, or certificate. A nonmatriculated student is one whose educational goals are limited and who has been granted permission by the director of admissions to enroll for credit in ~~((college))~~ university courses. Such permission implies no commitment on the part of the ~~((college))~~ university in regard to later admission as a matriculated student.

Chapter 516-108 WAC
PRACTICE AND PROCEDURE

WAC

- 516-108-010 Adoption of model rules of procedure.
516-108-020 Appointment of presiding officers.

- 516-108-030 Method of recording.
 516-108-040 Application for adjudicative proceeding.
 516-108-050 Brief adjudicative procedures.
 516-108-060 Discovery.
 516-108-070 Procedure for closing parts of the hearings.
 516-108-080 Recording devices.
 516-108-090 Petitions for stay of effectiveness.

NEW SECTION

WAC 516-108-010 **ADOPTION OF MODEL RULES OF PROCEDURE.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 516-108-020 **APPOINTMENT OF PRESIDING OFFICERS.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 516-108-030 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 516-108-040 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
 Old Main 450, WWU
 516 High Street
 Bellingham, WA 98225

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 516-108-050 **BRIEF ADJUDICATIVE PROCEDURES.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 516-22 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 516-12 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 516-400 WAC.

NEW SECTION

WAC 516-108-060 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 516-108-070 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 516-108-080 **RECORDING DEVICES.** No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 516-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 516-108-090 **PETITIONS FOR STAY OF EFFECTIVENESS.** Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

Chapter 516-133 WAC
ORGANIZATION

WAC
516-133-020 Organization—Operation—
Information.

NEW SECTION

WAC 516-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Western Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a seven-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Old Main 450, WWU
516 High Street
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Shannon Point Marine Center
1900 Shannon Point Road
Anacortes, WA 98221

Center for Apparel Design &
Fashion Merchandising
217 Pine, Suite 600
Seattle, WA 98101

TESC—WWU Teachers' Education Program
The Evergreen State College
Olympia, WA 98505

WWU Seattle Urban Center
1801 Broadway, Room NP 101
Seattle, WA 98122

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Registrar/Admissions Office
Old Main 200, WWU
516 High Street
Bellingham, WA 98225

Chapter 516-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC
PARTICIPATION

WAC
516-400-010 Immediate suspension.

NEW SECTION

WAC 516-400-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW (Legend drugs—Prescription drugs) shall,

upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-10-043
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed April 27, 1990, 2:41 p.m.]

Date of Adoption: April 27, 1990.

Purpose: The addition of a new rule to begin a technique of aseptic shoot tip culture for propagating certified grape nursery stock.

Citation of Existing Rules Affected by this Order: Amending chapter 16-462 WAC.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Pursuant to notice filed as WSR 90-06-050 on March 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 27, 1990
C. Alan Pettibone
Director

NEW SECTION

WAC 16-462-060 CERTIFIED GRAPE NURSERY STOCK—ASEPTIC SHOOT TIP PROPAGATION. "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from dormant cuttings, or from green growth (softwood) during the growing season, from Washington State University foundation plants and subsequently aseptically transferring these shoot tips to a suitable vessel containing an appropriate culture media. Plants derived from these shoot tips (first generation), when maintained under greenhouse conditions, may serve as a source of softwood cuttings (second generation), which may be used to establish a registered grape mother block suitable for the production of Washington certified grape nursery stock when managed in accordance with all other provisions of WAC 16-462-010 through 16-462-055 inclusive. First generation plants produced from original foundation material, those derived from aseptic shoot tip culture and maintained under greenhouse conditions, as well as second generation plants which will constitute the registered grape mother blocks, are all subject to Washington state department of agriculture inspection.

WSR 90-10-044
PERMANENT RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Filed April 27, 1990, 4:20 p.m., effective June 1, 1990]

Date of Adoption: April 5, 1990.

Purpose: To specify the use and implementation of special pay.

Citation of Existing Rules Affected by this Order: Amending WAC 251-09-090.

Statutory Authority for Adoption: RCW 28B.16.100.

Pursuant to notice filed as WSR 89-22-122 on November 11, 1989; WSR 90-01-042 on December 14, 1989; and WSR 90-06-083 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The phrase "in the same or related series" was added to WAC 251-09-092 to clarify which other classes are referred to.

Effective Date of Rule: June 1, 1990.

April 17, 1990
John A. Spitz
Director

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-09-090 **SPECIAL PAY—PURPOSE.**
(1) The board or the director may ~~((approve))~~ adopt special pay ((due to unique working conditions, employment problems such as)) salaries and/or compensation practices which are locally competitive to alleviate or prevent recruitment and/or retention((, or when special use requirements are necessary)) problems, to maintain effective operations of ((the)) an institution, or to address other unique working conditions.

(2) Actions approved by the director are subject to confirmation by the board.

(3) Requests may be initiated by institutions, employees, or employee representatives.

(4) Except when the board specifies otherwise, special pay ranges will remain in effect until the system-wide pay range for the class equals or exceeds the special pay range.

NEW SECTION

WAC 251-09-092 **SPECIAL PAY—CATEGORIES.** Special pay requests may be made under one or more of the following categories:

(1) When a unique configuration of work requires skills, duties, or working conditions beyond those typically required of comparable positions;

(2) To alleviate employment problems such as recruitment and/or retention;

(3) When failure to grant special pay could result in retention problems which would seriously jeopardize the effective operation of the institution; or

(4) To prevent salary inversion or compression problems with other classes in the same or related series which have been granted special pay.

NEW SECTION

WAC 251-09-094 **SPECIAL PAY—REQUIREMENTS.** It is the responsibility of the requesting party to provide board staff with information necessary to make recommendation to the board. Information to be provided shall include:

(1) Data supporting the pay practice in the locality of the institution for which the request is being made; and

(2) Rationale supporting the request; and

(3) When applicable, data showing recruitment/retention difficulty.

WSR 90-10-045

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2035—Filed April 30, 1990, 9:26 a.m.]

Date of Adoption: April 27, 1990.

Purpose: To establish the amount and conditions under which indemnity may be paid when the director of agriculture may order the destruction of any sheep or goats affected with or exposed to Scrapie.

Citation of Existing Rules Affected by this Order: Amending WAC 16-86-005.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

Pursuant to notice filed as WSR 90-07-066 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 27, 1990
C. Alan Pettibone
Director

Chapter 16-86 WAC ((CATTLE, GOATS)) BRUCELLOSIS ((AND)), TUBERCULOSIS, AND SCRAPIE IN CATTLE, GOATS, AND SHEEP

AMENDATORY SECTION (Amending Order 1917, filed 3/25/87)

WAC 16-86-005 **DEFINITIONS.** For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture veterinary services to participate in state-federal cooperative programs.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) for beef breed cattle and between the ages of four and eight months (one hundred twenty days to two hundred forty days) for dairy breed cattle with an approved brucella vaccine.

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

(8) "Scrapie infected flock" means a flock of sheep or goats in which the disease scrapie has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL).

NEW SECTION

WAC 16-86-093 INDEMNITY FOR SCRAPIE INFECTED OR EXPOSED SHEEP OR GOATS. As provided under RCW 16.36.096, the director of agriculture may order the destruction of any sheep or goats affected with or exposed to scrapie. Subject to the availability of sufficient funds, the director may pay an indemnity for any scrapie infected flocks ordered destroyed.

(1) The indemnity paid may not exceed fifty percent of the appraised value of the sheep or goats up to a limit of three hundred dollars per animal.

(2) State indemnity will not be paid for any animal on which federal indemnity has been paid and state indemnity will not exceed the total federal indemnity available for an individual flock under a federal scrapie program.

(3) State indemnity funds will be paid to the owner or owners of a scrapie infected flock only under a total flock depopulation plan.

(4) All destroyed animals shall be disposed of in a manner prescribed by the Washington state veterinarian.

(5) The provision for payment of indemnity will not apply to animals which have been brought into this state and have been in this state for a period of less than six months before being ordered destroyed by the director of agriculture.

WSR 90-10-046

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2036—Filed April 30, 1990, 9:29 a.m.]

Date of Adoption: April 27, 1990.

Purpose: To exempt open class carcass contests where no sale of meat is involved from the requirement that the animal be slaughtered on the premises of the present or first preceding owner.

Citation of Existing Rules Affected by this Order: Amending WAC 16-22-040.

Statutory Authority for Adoption: RCW 16.49.680.

Pursuant to notice filed as WSR 90-07-065 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 27, 1990

C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 2011, filed 6/26/89)

WAC 16-22-040 CUSTOM FARM SLAUGHTERING ESTABLISHMENT—SPECIAL SLAUGHTER CONDITIONS. (1) A custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of such animal except as follows:

(a) An animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons.

(b) If a federally inspected slaughter facility or custom slaughtering establishment is not available locally (approximately thirty miles by road), animals purchased for custom slaughter at any 4-H and FFA market stock sales and open class carcass contests where ownership of the carcass is retained by the entrant may be slaughtered by a custom farm slaughterer on any premise, except the point of sale, when such premise or premises are approved in advance by the local health district/department and the Washington department of agriculture.

(2) A mobile custom slaughtering establishment licensee may slaughter his own animal for his own consumption on any premises, farm, or ranch owned, rented or in any way controlled by him. No other animal may be slaughtered by the licensee on the premises, farm or ranch owned, rented or in any way controlled by him or by members of his immediate family. Licensees under these regulations that are "bona fide farmers" may slaughter more than one animal provided the animals are in his possession more than sixty days.

(3) Whenever a licensee believes that a meat food animal or meat food product is unwholesome, as defined in these regulations, he shall require an examination and declaration of wholesomeness by a licensed veterinarian before proceeding with slaughter or with processing of the carcass.

WSR 90-10-047

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Filed April 30, 1990, 11:31 a.m.]

Date of Adoption: April 27, 1990.

Purpose: We are adopting this rule to comply with the 1987 Special Incinerator Ash Disposal Act. This chapter establishes consistent, enforceable management requirements for protecting human health and the environment during generation and final disposal of special incinerator ash. The purpose of this chapter is to establish management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the Hazardous Waste Management Act. The department is required to adopt special incinerator ash rules pursuant to chapter 70.138 RCW in order to implement the provisions of that chapter.

Statutory Authority for Adoption: Chapter 70.138 RCW.

Pursuant to notice filed as WSR 89-19-069 on October 4, 1989; and WSR 90-02-088 on January 3, 1990.

Changes Other than Editing from Proposed to Adopted Version:

WAC 173-306-200 (3)(c)(iv)

Rationale: This change in test method is done to accommodate different incinerator technologies.

Proposed: Total volatile and fixed carbon residue at 550 degree centigrade 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.

Changed to read: The percentage of carbon in bottom ash shall not exceed 6% by weight, dry, as determined by ASTM D3178-84 or other methods approved by the department. Alternative carbon content limits may be established by the department upon a demonstration by the owner or operator that methane generation and settlement shall not exceed levels associated with bottom ash meeting the six percent standards.

WAC 173-306-500 (4)(a)

Rationale: The deletion of total volatile and fixed carbon is necessary in order to be consistent with the change in WAC 173-306-200 (3)(c)(iv).

Proposed: (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.

Changed to read: (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 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.

WAC 173-306-200 (4)(d)

Rationale: Added to this section a statement to clarify the department's intent to allow less frequent testing, under certain conditions, after one year of ash testing.

Proposed: Designation test results. The results of testing bottom ash and fly-ash/scrubber residues separately and combined fly ash and bottom ash 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 (3)(c)(iv) of this section unless otherwise approved by the department. Representative

sampling methods shall follow guidelines specified by the department;

Changed to read: Designation test results. The results of testing bottom ash and fly-ash/scrubber residues separately and combined fly ash and bottom ash 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 carbon residue according to (3)(c)(iv) of this section unless otherwise approved by the department. After one year of testing, the department may reduce this requirement if a less frequent testing program can provide adequate data to determine the effectiveness of an ash toxicity reduction program. Representative sampling methods shall follow guidelines specified by the department;

WAC 173-306-350 (2)(f)(ii)

Rationale: The case-by-case review for the possible location of an ash disposal facility in wetland designated areas is deleted due to conflict with Governor Gardner's Executive Order, No. EO-89-10, requiring protection of wetlands.

Proposed: In a wetland as defined by the United States Fish and Wildlife Service (Cowardin et al. 1979); unless the department determines on a case-by-case basis there are possible beneficial uses for the existing dense soils in the wetland area and the vertical separation distance to ground water as specified in (2)(b)(i) of this section is attained.

Changed to read: In a wetland as defined by the United States Fish and Wildlife Service (Cowardin et al. 1979).

WAC 173-306-450

Rationale: Due to a typographical error, 1×10^{-6} cm/sec was published in WSR 90-02-088 in three different subsections instead of 1×10^{-7} cm/sec. This change reflects the department's intent to require a more protective, less permeable liner design and is consistent with the public hearing information handouts and a special mailing which reflected this change.

WAC 173-306-450 (3)(b)(ii)

Proposed: Next, a single composite liner consisting of an engineered soil liner at least two feet thick having permeability of 1×10^{-6} 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 is placed; liner slopes shall be a minimum of four percent;

Changed to read: Next, a single composite liner consisting of an engineered soil liner at least two feet thick having permeability of 1×10^{-7} 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 is placed; liner slopes shall be a minimum of four percent;

WAC 173-306-450 (4)(b)(ii)

Proposed: Next, a single composite liner consisting of an engineered soil liner at least two feet thick having a permeability of 1×10^{-6} cm/sec or the equivalent upon

which a synthetic liner of 60 mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; liner slopes shall be a minimum of four percent;

Changed to read: Next, a single composite liner consisting of an engineered soil liner at least two feet thick having a permeability of 1×10^{-7} cm/sec or the equivalent upon which a synthetic liner of 60 mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; liner slopes shall be a minimum of four percent;

WAC 173-306-450 (5)(a)(iii)

Proposed: Next, a fabric filter overlaid by at least two feet of clay having a permeability of 1×10^{-6} cm/sec upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests;

Changed to read: Next, a fabric filter overlaid by at least two feet of clay having a permeability of 1×10^{-7} cm/sec upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests;

WAC 173-306-450 (3)(a)(i)

Rationale: The department does not intend to specify the type of compaction equipment required. The owner or operator will be required to use equipment sufficient to achieve the requirement of thorough compaction.

Proposed: Thoroughly compact ash residue. Owner or operator shall compact ash residues thoroughly by using high performance compaction equipment.

Changed to read: Thoroughly compact ash residue. Owner or operator shall compact ash residue thoroughly by using compaction equipment.

Effective Date of Rule: Thirty-one days after filing.
 April 27, 1990
 Fred Olson
 Deputy Director

Chapter 173-306 WAC
 SPECIAL INCINERATOR ASH MANAGEMENT
 STANDARDS

WAC	
173-306-010	Authority and purpose.
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173-306-200	Generator management plans.
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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	Ash utilization standards.
173-306-495	Other methods of ash disposal.
173-306-500	Monitoring and sampling methods.
173-306-900	Variations.
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. 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 waste as defined in WAC 173-306-100 that is not regulated as hazardous waste under chapter 70.105 RCW and that is 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; and
- (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.

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 which 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. A closure notice will be provided to the department with the exact date 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 and using best engineering practices.
- (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 health.
- (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 an approval letter by the director after the review of all engineering reports, plans and specifications, and any other engineering documents by a registered engineer.

(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 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) "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 a 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 the subsurface.

(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, LAND TREATMENT AND MUNICIPAL SOLID WASTE CODISPOSAL OF ASH. No person shall manage any special incinerator ash in a surface impoundment, land treatment facility as defined in WAC 173-306-100, or codispose with municipal solid waste.

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 within six months after the effective date of this chapter.

(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 proposed material change in the ash management 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 (2) 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 and volume 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 run-off drains. Spills and process waters shall be handled in one or more of the following methods:

(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) The percentage of carbon in bottom ash shall not exceed six percent by weight, dry, as determined by ASTM D3178-84 or other methods approved by the department. Alternative carbon content limits may be established by the department, upon a demonstration by the owner or operator that methane generation and settlement shall not exceed levels associated with bottom ash meeting the six percent carbon standard. 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 shall not exceed thirty days of daily production;

(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 calendar 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. For multiple disposal sites, the amounts of disposal that are 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 and combined flyash and bottom ash 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 carbon residue according to subsection (3)(c)(iv) of this section unless otherwise approved by the department. After one year of testing, the department may reduce this requirement if a less frequent program can provide adequate data to determine the effectiveness of an ash toxicity reduction program. 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 within six months after the effective date of this chapter.

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. These procedures apply for permit renewal. Monofill owners who have successfully complied with the requirements for Type B design in 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 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; and

(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.

(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 the department's 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 173-306-310 (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 must be required for persons utilizing ash (see WAC 173-306-490 (2)(b)). In addition, persons applying for a utilization permit demonstrate that the proposed 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 and a limit on the quantity of ash which will be used 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 utilized ash on the land in a manner constituting disposal; the permit is issued to the seller or distributor of utilized 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 utilized 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);

(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 faults 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;

(M) Topography of the site and surrounding areas; and

(N) Drainage pattern of the site and surrounding areas.

(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; interim cover should be minimized depending on site specific topography and projected filling phases;

(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 utilization facilities. In addition to the requirements of (a) of this subsection, each application for utilization must contain:

(i) For accumulation prior to 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 provisions 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 to insure compliance with the requirements of this chapter and the approved engineering documents. 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)(d) 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 at the time of permit application meet 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.

(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);

(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; and

(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 special incinerator 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 subsections (5) and (6) 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 hand-written 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 requirements. 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 whole or in part 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 whole or in part, 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 ash disposal 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 whole or in part 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.

(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 gradually reduce or 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 or

the latest national ambient air quality standards. 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 cell shall be open and in use at one time; each cell shall be graded and covered with a flexible high density polyethylene liner or other material of equivalent mechanical strength and chemical resistance 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, 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; or

(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, handwashing facilities, and potable drinking water;

(vi) Provide for unloading area(s) to be as small as possible, consistent with traffic patterns and safe operation; and

(vii) Provide communication (such as telephones) between employees working at the monofill and on-site or off-site management offices to handle emergencies.

(5) 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)(g)(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)(b) 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 requirements.

(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)(d) 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)(b) 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 seek approval 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 shall compact ash residues thoroughly by using compaction equipment.

(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 from bottom to top:

(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^{-7} 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 is placed; 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 1×10^{-2} 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 1×10^{-2} 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^{-5} cm/sec. All ferrous material will be removed using magnetic separation or an equivalent method approved by the department so that the pozzolanic effect of compacted ash will not be impeded.

(ii) Lifts will be tested 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^{-5} cm/sec 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^{-7} 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 1×10^{-2} 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) The final cap 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^{-7} 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).

(c) In case of cap failure, immediately notify the department with a plan for remedial action.

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 available for review 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.

(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 special incinerator ash monofill facility shall establish a financial assurance account in an amount that, over the life of the facility, will accumulate funds at a rate that will enable premature closure during the monofill life. The total amount shall 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 waste, 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 thirty-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 annual 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 special incinerator ash 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. 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 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;

(i) 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;

(ii) 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

(iii) 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.

(c) 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.

(d) 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.

(e) 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.

(f) Comply with chapter 296-62 WAC, the general occupational health standards.

(g) 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.

(h) Close the treatment facility according to the requirements of WAC 173-306-410.

NEW SECTION

WAC 173-306-490 ASH UTILIZATION STANDARDS. (1) Applicability.

(a) These standards apply to persons who 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 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 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) Use constituting disposal. Use 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 utilized ash or ash product for the claimed use;

(B) The degree to which the utilized ash is like an analogous product;

(C) The extent to which the utilized ash or ash product minimizes loss or escape to the environment;

(D) The extent to which the utilized 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 utilized ash and ash product is guaranteed;

(F) The time period between generating the ash and 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) Utilization as ingredients in industrial products, or as effective substitutes. The 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. (E.g., 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 (2)(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, other substrata 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 first obtain approval from the department and must at a minimum:

(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 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 facility 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 90-10-048

NOTICE OF PUBLIC MEETINGS TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—April 27, 1990]

MEETING NOTICE FOR
MAY AND JUNE 1990
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

Work session, 6:00 p.m., Thursday, May 17, 1990, in Kennewick at the Clover Island Quality Inn, 435 Clover Island.

TIB meeting, 9:00 a.m., Friday, May 18, 1990, in Kennewick at the City Council Chambers.

TIB work session, 6:00 p.m., Thursday, June 14, 1990, in Wenatchee at the Chieftain Motel, 1005 North Wenatchee Avenue.

TIB meeting, 9:00 a.m., Friday, June 15, 1990, in Wenatchee at the City Council Chambers.

WSR 90-10-049

PROPOSED RULES

SHORELINE COMMUNITY COLLEGE

[Filed April 30, 1990, 2:06 p.m.]

Original Notice.

Title of Rule: Procedural rules for adjudicative proceedings.

Purpose: To bring current practices in line with the requirements of the new Administrative Procedure Act.

Other Identifying Information: WAC 132G-108-010, 132G-108-020, 132G-108-030, 132G-108-040, 132G-108-050, 132G-108-060, 132G-108-070 and 132G-108-080.

Statutory Authority for Adoption: RCW 34.05.250.

Summary: Adoption of model rules of procedure including, appointment of presiding officers, method of recording application for adjudicative proceeding, brief adjudicative procedures, discovery, closing parts of the hearings and recording devices.

Reasons Supporting Proposal: Compliance with new APA requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William L. Demetre, Room 2100, (206) 546-4641.

Name of Proponent: Shoreline Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of the procedural rules for adjudicative proceedings will bring Shoreline Community College into compliance with the 1989 APA codified as chapter 34.05 RCW and RCW 34.05.220(2) which requires each college to maintain a file and index of all agency actions for public inspection.

Proposal does not change existing rules.

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

Hearing Location: Central Conference Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on June 5, 1990, at 4:00 p.m.

Submit Written Comments to: William L. Demetre, by June 5, 1990.

Date of Intended Adoption: June 8, 1990.

April 27, 1990
William L. Demetre
Vice-President
for Student Services

CHAPTER 108
PROCEDURAL RULES FOR ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 132G-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this institution, the model rules prevail.

NEW SECTION

WAC 132G-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132G-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132G-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 16101 Greenwood Avenue N., Seattle Washington 98133.

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132G-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations.
- (2) Challenges to contents of education records.
- (3) Student conduct proceedings.
- (4) Parking violations.
- (5) Outstanding debts owed by students or employees.
- (6) Loss of eligibility for participation in institution-sponsored athletic events.

NEW SECTION

WAC 132G-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132G-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132G-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132G-108-010, except for the method of official recording selected by the institution.

WSR 90-10-050**PROPOSED RULES****SHORELINE COMMUNITY COLLEGE**

[Filed April 30, 1990, 2:07 p.m.]

Original Notice.

Title of Rule: Organization—Operation—Information.

Purpose: To comply with the requirements of the new Administrative Procedure Act.

Other Identifying Information: WAC 132G-133-020.

Statutory Authority for Adoption: Title 28B RCW.

Summary: Information on record of community college as a public institution of higher education, governed by five-member board of trustees who employs a president who is responsible for structure of the administration; operational addresses, hours and availability of additional information.

Reasons Supporting Proposal: Compliance with new APA requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William L. Demetre, Room 2100, (206) 546-4641.

Name of Proponent: Shoreline Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To place on record Shoreline Community College's organizational information regarding location governing body, availability of additional information.

Proposal does not change existing rules.

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

Hearing Location: Central Conference Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on June 5, 1990, at 4:00 p.m.

Submit Written Comments to: William L. Demetre, by June 5, 1990.

Date of Intended Adoption: June 8, 1990.

April 27, 1990

William L. Demetre

Vice-President

for Student Services

NEW SECTION

WAC 132G-133-020 ORGANIZATION—OPERATION—INFORMATION. (a) Organization. Shoreline Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a 5 member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(b) Operation. The institution's administrative office is located at the following address: 16101 Greenwood Avenue N., Seattle, Washington

98133. The office hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses: 16101 Greenwood Avenue N., Seattle, Washington 98133; Canyon Park Jr. High School, 23723-23rd Avenue S.W., Bothell, Washington 98021; Inglemoor High School, 15400 Simonds Road N.E., Bothell, Washington 98011; Kenmore Jr. High School, 20323-66th Avenue N.E., Bothell, Washington 98011; and Woodinville High School, 19819-136th Avenue N.E., Woodinville, Washington 98072.

(c) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: 16101 Greenwood Avenue N., Seattle, Washington 98133.

WSR 90-10-051

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-34—Filed April 30, 1990, 3:31 p.m.]

Date of Adoption: April 30, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071.

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: Sea cucumber harvest in the western portion of extreme southern Puget Sound is delayed two weeks to explore harvest opportunity for all user groups, and to provide for an orderly fishery.

Effective Date of Rule: 12:01 a.m., May 1, 1990.

April 30, 1990
Judith Freeman
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07100E COMMERCIAL SEA CUCUMBERS Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. may 1 through 11:59 p.m. May 14, 1990, it is unlawful to take, fish for, or possess sea cucumbers taken from the following Marine Fish-Shellfish Management and Catch Reporting Areas:

(1) *That portion of 28A, north and west of a line projected from Devil's Head to Johnson Point, including Henderson Inlet.*

(2) *Area 28C.*

(3) *Area 28D.*

WSR 90-10-052

PERMANENT RULES

PARKS AND

RECREATION COMMISSION

[Filed April 30, 1990, 4:20 p.m.]

Date of Adoption: April 20, 1990.

Purpose: The purpose is to prevent untreated sewage from being dumped into Washington's waterways.

Statutory Authority for Adoption: RCW 43.51.050.

Pursuant to notice filed as WSR 90-06-110 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1990

Jack Shreve

Vice-Chair

for Moyes Lucas

Chair

Chapter 352-75 WAC BOATING PUMPOUT GRANTS

NEW SECTION

WAC 352-75-010 PURPOSE. The purpose of this chapter is to set forth parameters for the allocation and uses of moneys administered by the parks and recreation commission from a portion of the income derived from the watercraft excise tax found in RCW 82.49.030. These moneys shall provide financial assistance to applicants throughout the state of Washington for the construction of sewage pumpout or sewage dump station facilities in the achievement of clean waterways.

In order to prevent the despoliation of the waters of Washington state and to derive the most benefit for the state in protecting a valuable, recreational resource, it is necessary to establish criteria for the award and use of funds made available under chapter 88.36 RCW. This chapter will set forth the following:

- (1) The limitations on the allocation and uses of the funds;
- (2) The criteria to be considered for determining who will be eligible to receive funds;
- (3) The process to be followed for the award of the funds; and
- (4) Other related issues.

NEW SECTION

WAC 352-75-020 DEFINITIONS. (1) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

(2) "Boater" means any person on a vessel on waters of the state of Washington.

(3) "Boat wastes" shall include, but are not limited to: Sewage, garbage, marine debris, discarded plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

(4) "Commission" means the Washington state parks and recreation commission.

(5) "Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).

(6) "Eligible cost" for sewage pumpout and dump stations means the cost of that portion of the facility that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

(7) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(8) "Final offer list" is the list of projects approved by the commission which can receive funding from the account during the time period that the offer list is effective.

(9) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(10) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes or other pollutants at unacceptable levels, based on applicable water quality and shellfish standards.

(11) "Private entity" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity which operates or has the potential to operate a boat sewage pumpout or portable dump station facility.

(12) "Project" means sewage pumpout or dump station facility(ies) for which a public or private entity applies for and receives funding or financial assistance.

(13) "Priority ranking list" means the list of rated and ranked projects for which state financial assistance is requested.

(14) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(15) "Sewage dump station" means any receiving chamber or tank designed to receive vessel sewage from a portable container.

(16) "Sewage pumpout station" means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

NEW SECTION

WAC 352-75-030 PROVISION OF GUIDELINES. State parks will provide all financial recipients a set of financial guidelines for contracts administration. These guidelines will include all state forms and will describe in detail state procedures for recordkeeping, reporting, reimbursement, and auditing.

NEW SECTION

WAC 352-75-040 USE OF FUNDS. Funds in the boat sewage pumpout and dump station account will be used to contract with public and private entities to install sewage pumpout or sewage dump stations located on both fresh waters and marine waters during the period from July 1, 1989, until June 30, 1995.

NEW SECTION

WAC 352-75-050 COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, AND OTHER REQUIREMENTS. (1) A public or private entity which enters into a contract with the commission shall

comply fully with all applicable federal, state, and local laws, orders, regulations, and will be required to obtain all required permits.

(2) A public or private entity applying for funds from the commission for a sewage pumpout and/or sewage dump station must comply with design criteria for such sewage pumpout and/or sewage dump station developed by the Washington department of ecology. Applicants will be provided with these design criteria as part of the application materials.

NEW SECTION

WAC 352-75-060 RESPONSIBILITIES FOR COSTS. The commission shall not be held responsible for payment of salaries, consultant's fees, and other overhead costs relating to a contract entered into with the commission by a public or private entity.

NEW SECTION

WAC 352-75-070 FUNDING PROCESSES. (1) Funding cycle. The funding cycle shall be conducted on an annual basis, unless after adequate public notice and comment, the director determines that funding on a biennial basis is in the best interest of the program. The amount of money available on an annual basis shall be approximately equal to one-half of the biennial appropriation less prior obligations, such as extended payment contracts, plus any money available from previous years.

(2) Application process. To be considered by the commission for receipt of boat sewage pumpout or dump station funds, an eligible public or private entity must complete an application on a form prescribed by state parks and file the application on or before the filing date set by state parks in the application form. Included with the submitted application forms shall be a copy of a shoreline substantial development permit application. The application for funding will be rated as described in subsections (3), (4), (5), and (6) of this section.

(3) Ranking criteria. Applications will be evaluated and prioritized in accordance with the following procedures:

(a) State parks will log in all applications as received.

(b) State parks will review all applications for compliance with the minimum qualification requirements as set forth in RCW 88.36.040 and WAC 352-75-080. Applicants which do not meet the minimum qualifications will be notified in writing of the disqualification.

(c) State parks will perform a preliminary evaluation of all remaining applications. The director may establish an application review committee to serve in an advisory capacity to state parks in the preliminary review and evaluation of applications. This review committee will include representatives from state natural resource agencies, marina operators, boater groups, and unaffiliated boaters.

(d) Applications will be ranked according to the following criteria:

(i) Approval of site by local jurisdiction;

(ii) Proximity to existing sewage pumpout or sewage dump stations;

(iii) Resource sensitivity;

- (iv) Boater use;
- (v) Size of marina;
- (vi) Economics of installation;
- (vii) Feasibility of installation; and
- (viii) Geographic balance.

(4) Priority ranking list. Based on the process set forth in subsection (3) of this section, state parks shall establish a priority ranking list. This list will rank all remaining applications in priority order and propose for funding those applicants above a minimum rank set by state parks.

(5) Public review. The priority ranking lists will be available for at least 30 days for public review and comment. One or more public hearings may be conducted if state parks determines there is significant public interest. Comments received during the public review period will be considered before the priority ranking lists are submitted to the commission for approval.

(6) Commission deliberations. State parks will provide the commission with the preliminary evaluation and ranking of the applications, including a summary of each proposal recommended for funding. The commission will consider, adjust the ranked list of applications based on the information provided to them by state parks, if desired, and approve the applications.

(7) Final offer list. As a result of the commission's decision, a final offer list will be developed and issued. The final offer list will be effective until the next final offer list is issued. All offers are automatically cancelled after the effective period. If an applicant on the final offer list does not sign a contract with the commission during the effective period, the applicant may reapply and must compete for funding during a subsequent funding cycle.

NEW SECTION

WAC 352-75-080 ELIGIBILITY CRITERIA. (1) The commission may award contracts to publicly owned, tribal or privately owned marinas, boat launches, or boater destination sites.

(2) The commission shall designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout or sewage dump station based on the following criteria:

(a) The marina, boat launch, or boater destination is located in an environmentally sensitive or polluted area; or

(b) The marina, boat launch, or boater destination site has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within one-fourth mile.

(3) The commission may at its discretion designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout and/or sewage dump station if it meets the following criteria:

(a) There is a demonstrated need for a sewage pumpout or sewage dump station at the marina, boat launch, or boater destination based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and

(b) The marina, boat launch, or boater destination provides commercial services, such as sales of food, fuel

or supplies, or overnight or live-aboard moorage opportunities; and

(c) The marina, boat launch, or boater destination site is located at a heavily used boater destination or on a heavily traveled route as determined by the commission; or

(d) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(4) The commission may make exceptions to the eligibility to apply for funding for the installation of sewage pumpout and/or sewage dump station requirements under subsections (2)(a) and (b) of this section if the marina, boat launch, or boater destination lacks available sewer, septic, water, or electrical services.

(5) State parks shall notify owners or operators of marinas, boat launches and destination sites of the availability of funding to support installation of appropriate sewage pumpouts or sewage dump stations. State parks shall also notify such operators or owners of which waters of the state have been designated as environmentally sensitive or polluted for the purpose of this program.

NEW SECTION

WAC 352-75-090 GENERAL CONTRACT REQUIREMENTS. Contracts entered into with the commission shall include the following terms:

(1) Eligible costs, as deemed reasonable by the commission, may be reimbursed. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by state parks.

(2) For privately owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the commission. For publicly owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the public entity.

(3) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina, boat launch, or boater destination site owner.

(4) The marina, boat launch, or boater destination site owner agrees to allow the installation, existence, and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(5) Contracts awarded shall be subject to the following conditions for a period of at least ten years:

(a) That the applicant allow the boating public access to the sewage pumpout or sewage dump station during marina operating hours;

(b) That the applicant agree to monitor the use of sewage pumpout and/or sewage dump station by installing a use counter mechanism.

(c) That the applicant agree to encourage the use of the sewage pumpout or sewage dump station by installing a "pumpout station" and/or "dump station" sign, and an instruction decal developed or approved by state

parcs, and by providing instruction in proper use to anyone requesting assistance;

(d) That the applicant agree to cooperate in any related boater environmental education program administered or approved by state parks. Such educational programs will include but not be limited to distribution of brochures developed or approved by state parks, and installation of interpretive signage developed or approved by state parks;

(e) That the applicant agree not to charge a fee for the use of the sewage pumpout or sewage dump station;

(f) That the applicant agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority. The local health department or appropriate authority will set the fee and the interval of inspection; and

(g) That the funding recipient agrees to allow State Parks access to inspect the pumpout facility.

WSR 90-10-053
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 90-33—Filed May 1, 1990, 8:54 a.m.]

Date of Adoption: April 30, 1990.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.
Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: A review of current conditions reveals no change from the proposal of the Columbia River Compact Commission, who originated the recommendation for those closures. Fish are now moving into this area, and protection measures are necessary.

Effective Date of Rule: Immediately.
April 30, 1990
Sharon L. Whitehead
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05500U OFF-RESERVATION INDIAN SUBSISTENCE FISHING Notwithstanding the provisions of WAC 220-32-055 effective immediately until further notice, it is unlawful for any person, including treaty Indian fishers, to take, fish for, or possess salmon or other foodfish for subsistence purposes in:

(1) Those waters of the mainstem Columbia River near Bonneville Dam westerly and downstream of a line from Light "4" on the Oregon shore, located approximately 200 yards upstream of the mouth of Eagle Creek, thence northerly to Light "5" located on Boat Rock in

mid-river, thence perpendicular to the thread of the river to a marker on the Washington shore.

(2) Those waters of the mainstem Columbia River near the Dalles Dam easterly and upstream from a line at marker on Covington Point on the Oregon shore, thence in a westerly direction to a marker on the Washington shore beneath the Interstate Bridge to a point 200 feet above the Dalles Dam. Subsistence fishing for salmon and is allowed within this closed area except within 600 feet of fishway entrances within 600 feet of the mouth of Fifteenmile Creek, and above the Dalles Dam.

(3) Those waters of the mainstem Columbia River within a radius of one-quarter mile of the mouths of the Hood River, Deschutes River, Wind River, Little White Salmon River, Spring Creek and Klickitat River.

(4) Those waters of the mainstem Columbia River near John Day Dam from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to Light "2" located on the navigation lock wing wall, thence to a marker on the Washington shore easterly and upstream to 200 feet above John Day Dam.

(5) Those waters of the mainstem Columbia River near McNary Dam easterly and upstream from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to the end of the navigation lock wing wall, thence to a marker on the Washington shore.

WSR 90-10-054
RULES COORDINATOR
YAKIMA VALLEY
COMMUNITY COLLEGE
[Filed May 1, 1990, 9:41 a.m.]

The purpose of this letter is to inform you that Ms. Suzanne West has replaced Ms. Carolyn Weiss as secretary to the president at Yakima Valley Community College. Ms. West will also serve as Yakima Valley Community College's agency rules coordinator.

V. Philip Tullar
President

WSR 90-10-055
RULES COORDINATOR
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 1, 1990, 9:42 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Washington State School for the Blind is Larry Drotz, 611 Grand Boulevard, S-26, Vancouver, WA 98661, phone (206) 696-6620 or 476-6620 scan.

Bonnie Y. Terada
Assistant Attorney General

WSR 90-10-056
PROPOSED RULES
INSURANCE COMMISSIONER

[Filed May 1, 1990, 9:52 a.m.]

Original Notice.

Title of Rule: Amending chapter 284-24 WAC, Rates.

Purpose: To define terms, repeal certain sections of the current rule, and to correct editorial errors. This proposal is intended to promote compliance with the filing requirements contained in chapter 48.19 RCW. The rules clarify the requirements of RCW 48.19.040(5) by defining terms and establishing procedures to be followed by insurers and rating organizations; permit rating organizations to make filings of prospective loss costs and establish guidelines for their use by insurers; repeal subsections of WAC 284-24-060 permitting flex-rating; permit the use of schedule rating by insurers writing commercial fidelity and commercial crime insurance; and correct editorial and minor technical errors in the existing rule.

Other Identifying Information: Insurance Commissioner's Order No. R 90-5.

Statutory Authority for Adoption: RCW 48.02.060, 48.19.080 and 48.19.370.

Statute Being Implemented: RCW 48.19.040 and 48.19.370.

Summary: These rules will establish procedures and define terms to facilitate the compliance with RCW 48.19.040(5) and permit the use of loss cost filings. They also correct errors and repeal sections of the existing rule. WAC 284-24-015 is changed in several places. An error in section (1) is corrected. Changes in terminology are made in sections (1)(l), (2)(l) and (3)(k). And, in section (5) the name of the statistical agent is changed.

RCW 48.19.040(5) requires the filing of revised general liability, professional liability, and commercial automobile rates or information supporting existing rates at a specified interval. The provisions of this statute are not precisely defined. This rule defines terms, establishes procedures for making the required filings, and waives the requirements of the statute in specified instances. It answers questions the commissioner has received from insurers and rating organizations.

Insurance rates reflect the cost of claims (losses), the cost of operating the insurance company, and the insurer's anticipated profit. Most insurers do not have sufficient loss information to provide a statistically credible basis for their rates. Rating organizations enable insurers to combine their experience which results in a larger data base upon which to base rates. These organizations have traditionally filed rates with the commissioner for their subscribers, as provided by RCW 48.19.050.

Recently, rating organizations have been accused of anti-trust violations. These accusations arise, in part, from rating organization's use of insurance industry average operating expense and investment income in rate filings. The National Association of Insurance Commissioners (NAIC) has recommended that rating organizations file only the loss portion of a rate. The rest of the rate (operating expense and profit) should be filed by

each subscriber to the rating organization before using it.

RCW 48.19.040(2) requires that rate filings contain at least three exhibits. The first provides loss experience or if experience is not available an explanation of other relevant factors used in supporting the rates. The second provides the major elements of operating expense. And the third contains an explanation of how investment income has been account[ed] for in the rates.

The statute does not specifically recognize filings of the type proposed by the NAIC. This rule modifies the requirements of RCW 48.19.040 to clearly permit such filings. It defines terms, establishes procedures permitting the use of prospective loss costs, and waives some filing requirements in specified instances.

Subsections of WAC 284-24-060 permitting insurers to use rates immediately after filing with the commissioner in specified instances are repealed. This form of rate regulation is commonly called "flex-rating." The sections being repealed replaced rules permitting insurers to use any commercial rate without first gaining the commissioner's approval. They were adopted in response to the Joint Study Committee on Insurance Availability and Affordability Report to the legislature of November 13, 1985.

The committee's report recommended that all insurance rates be subject to prior approval, if the commissioner had sufficient staff to conduct a timely review. At that time, staffing did not permit the commissioner to return to full prior approval. "Flex-rating" was adopted as an interim measure that would restore prior approval to most filings. The commissioner now has sufficient staff to do the review and wishes to carry out the committee's recommendation. In addition, this rule has seldom been used, as the conditions which must be satisfied are strict.

WAC 284-24-100(1) is changed by adding commercial fidelity and commercial crime insurance to the classes of insurance subject to the rule. The rule permits insurers to modify the premium paid by an individual insured based on an examination of its physical conditions or peculiar characteristics. This rule was intended to allow the use of schedule rating on all commercial insurance policies, but these classes were overlooked when the rule was adopted. Including fidelity and commercial crime insurance within the rule will permit insurers to use this important rating tool.

Reasons Supporting Proposal: These rules will alleviate confusion by defining terms and procedures, and waiving the filing requirements in specific instances. Other changes clarify intent and correct technical errors in existing rules. See also Summary above.

Name of Agency Personnel Responsible for Drafting: D. Lee Barclay, FCAS, MAAA, Chief Property and Casualty Actuary and Allen Morrow, Senior Rate Analyst, Insurance Commissioner's Office, Olympia, Washington, (206) 753-7300; **Implementation and Enforcement:** Edward H. Southon, Deputy Insurance Commissioner for Company Supervision, D. Lee Barclay, FCAS, MAAA, Chief Property and Casualty Actuary and Allen Morrow, Senior Rate Analyst, Insurance Commissioner's Office, Olympia, Washington, (206) 753-7300.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will establish procedures and define terms to facilitate the compliance with RCW 48.19.040(5) and permit the use of loss cost filings. They also correct errors and repeal sections of the existing rule.

STATISTICAL PLANS AND AGENTS

WAC 284-24-015 is changed in several places. An error in section (1) is corrected. Changes in terminology are made in sections (1)(l), (2)(l) and (3)(k). And, in section (5) the name of the statistical agent is changed. Other than making the rule technically correct these changes have no effect.

FIFTEEN MONTH REFILEING REQUIREMENT

WAC 284-24-055 is new. RCW 48.19.040(5) requires the filing of revised general liability, professional liability, and commercial automobile rates or information supporting existing rates at a specified interval. The statute does not contain precise definitions. This rule defines terms and establishes procedures for making the required filings. We also are proposing a new section to WAC 284-24-060 which will waive these requirements in specified instances. This rule will eliminate confusion and thereby facilitate compliance with the statute.

LOSS COST FILINGS

WAC 284-24-060 is amended by adding sections permitting the use of prospective loss costs. These sections define terms, outline the use of prospective loss costs filings, and waive the filing requirements in specified instances.

Recently, rating organizations have been accused of anti-trust violations. These accusations arise, in part, from rating organizations' use of insurance industry average operating expense and investment income in rate filings. The National Association of Insurance Commissioners (NAIC) has recommended that rating organizations file only the loss portion of a rate. The rest of the rate (operating expense and profit) will be filed by each subscriber to the rating organization.

RCW 48.19.040(2) does not recognize filings of the type proposed by the NAIC. It requires that rate filings contain at least three exhibits. The first must provide loss experience or if experience is not available an explanation of other relevant factors that support the rate. The second must provide the major elements of operating expense. And the third must provide an explanation of how investment income has been accounted for in the rate.

The statute does not preclude the use of prospective loss costs developed by a rating organization. However, before an insurer can use them it must make a filing that contains each of the required exhibits. The rule is intended to waive the filing requirements to permit insurers to use prospective loss costs without making such a filing in specified instances. These waivers should reduce

the number of filings insurers must make, thereby reducing costs.

The use of prospective loss costs will not be required. The provisions of the rule apply only when a rating organization has voluntarily decided to make such filings.

REPEAL OF FLEX-RATING

Subsections of WAC 284-24-060 permitting insurers to use rates immediately after filing with the commissioner in specified instances are repealed. This form of rate regulation is commonly called "flex-rating." The sections being repealed replaced rules permitting insurers to use any commercial rate without first gaining the commissioner's approval. They were adopted in response to the Joint Study Committee on Insurance Availability and Affordability Report to the legislature of November 13, 1985.

The committee's report recommended that all insurance rates be subject to prior approval, if the commissioner had sufficient staff to conduct a timely review. At that time, staffing did not permit the commissioner to return to full prior approval. "Flex-rating" was adopted as an interim measure that would restore prior approval to most filings. The commissioner now has sufficient staff to do the review and wishes to carry out the committee's recommendation. In addition, this rule has seldom been used, as the conditions which must be satisfied are strict.

STANDARDS FOR SCHEDULE RATING PLANS

WAC 284-24-100(1) is changed by adding commercial fidelity and commercial crime insurance to the classes of insurance subject to the rule. The rule permits insurers to modify the premium paid by an individual insured based on an examination of its physical conditions or peculiar characteristics. This rule was intended to permit the use of schedule rating on any commercial insurance policy, but these classes were overlooked when it was adopted.

Including commercial fidelity and commercial crime insurance within the rule will promote fairness for those purchasing such coverages. The rule requires that schedule rating be applied to all eligible risks, that, upon request, the insured be notified of any adverse rating, and that insurers keep records regarding the use of the plan. Many insurers already have filed plans containing these provisions. The proposed rule will merely extend these requirements to all insurers.

Proposal Changes the Following Existing Rules: WAC 284-24-015 is changed in several places. An error in section (1) is corrected, changes in terminology are made in sections (1)(l), (2)(l) and (3)(k) and in section (5) the name of the statistical agent is changed; WAC 284-24-060 is changed by repealing existing provisions permitting flex-rating and substituting provisions defining and permitting the use of loss cost filings. In addition, the filing requirement is waived in specified situations; and WAC 284-24-100(1) is changed by adding commercial fidelity and surety insurance to the classes of insurance subject to the rule.

Small Business Economic Impact Statement: The proposed new section WAC 284-24-055 and changes to

WAC 284-24-060 and 284-24-100 will impact all insurers large and small. The purpose of these changes are to clarify existing statutes and to waive filing requirements in specified instances. The combined effect of these changes will reduce costs for many companies. Others should experience no additional costs. It is possible that rating organizations will begin making filings containing only prospective loss costs without the clarifications and waivers provided in this proposal. If they do, insurers will be required to make additional filings with the commissioner. These filings will increase their operating costs. The proposed waivers contained in this rule are intended to reduce the number of filings insurers must make thereby reducing cost. These costs cannot be measured by the criteria of RCW 19.85.040. The impact on insurers' costs per employee, costs per hour of labor, costs per one hundred dollars of sales, or any combination thereof will vary depending on their involvement in the markets affected by these rules.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on June 7, 1990, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by June 7, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990
Dick Marquardt
Insurance Commissioner
By: Edward H. Southon
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 82-1, filed 3/1/82)

WAC 284-24-015 STATISTICAL PLANS AND DESIGNATION OF STATISTICAL AGENTS. Pursuant to the provisions of RCW 48.19.370, the insurance commissioner has adopted the following statistical plans for the recording and reporting of loss and expense experience, and hereby designates the particular organizations, or their successors, as statistical agents to assist the commissioner in the gathering and compilation of experience for the classes of business stated.

(1) The statistical plans of the Insurance Services Office, Inc. with respect to the following kinds of insurance:

- (a) Fire and allied lines,
- (b) Automobile physical damage,
- (c) Automobile liability,
- (d) General liability,
- (e) Burglary,
- (f) Glass,
- (g) Boiler and machinery,
- (h) Inland marine,
- (i) Homeowners, comprehensive dwelling and dwelling policy program,

(j) Commercial multiperil,
(k) Businessowners, and
(l) (~~Medical~~) Professional liability.
(2) The statistical plans of the National Association of Independent Insurers with respect to:

- (a) Burglary,
- (b) Businessowners,
- (c) Crop hail,
- (d) Farmowners,
- (e) Fidelity and surety,
- (f) Fire and allied lines,
- (g) General liability,
- (h) Glass,
- (i) Inland marine,
- (j) Malpractice and professional liability,
- (k) Personal lines (homeowners and dwelling fire),
- (l) (~~Special~~) Commercial multiperil,

- (m) Automobile liability, and
- (n) Automobile physical damage.

(3) The statistical plans of the American Association of Insurance Services with respect to:

- (a) Homeowners,
- (b) Farmowners,
- (c) Mobile homeowners,
- (d) Inland marine,
- (e) Farm fire,
- (f) Dwelling fire,
- (g) Commercial fire,
- (h) General liability,
- (i) Burglary,
- (j) Glass,
- (k) (~~Special~~) Commercial multiperil,
- (l) Manufacturers output, and
- (m) Businessowners.

(4) The statistical plan of the Surety Association of America with respect to fidelity, surety and forgery.

(5) The statistical plan of the (~~Crop-Hail Insurance Actuarial Association~~) National Crop Insurance Services with respect to hail insurance on growing crops and windstorm (when accompanied by hail) insurance on growing crops.

(6) The statistical plan of the Factory Mutual Service Bureau with respect to property insurance.

(7) The statistical plan of the Mill and Elevator Rating Bureau with respect to property insurance.

(8) The statistical plan of the Nuclear Insurance Rating Bureau with respect to nuclear physical damage insurance.

Experience filed by individual carriers is to be kept confidential by these statistical agents and only the consolidated experience will be available as public information.

NEW SECTION

WAC 284-24-055 FIFTEEN-MONTH REFILEING REQUIREMENT. (1) RCW 48.19.040(5) requires that revised general liability, professional liability, and commercial automobile rates or information supporting existing rates be received by the commissioner within fifteen months of the approved effective date of an insurer's or rating organization's last prior filing of rates for the same coverage. This requirement may be satisfied in the following ways:

(a) An insurer that is not a member or subscriber of a rating organization or who elects not to use the filed rates of a rating organization must submit revised rates or supporting information showing that previously filed rates meet the requirements of RCW 48.19.020.

(b) An insurer that is a member or subscriber of a rating organization and has elected to base its rates on the rating organization's filed prospective loss costs must file to:

- (i) Adopt the prospective loss cost filing made by the rating organization; and
- (ii) Submit the information required in RCW 48.19.040 (2)(b) and (c) supporting its existing loss cost adjustment or a revised loss cost adjustment.

(c) An insurer that is a member or subscriber of a rating organization filing rates and has elected to use those rates need not file unless it deviates from the rating organization's rates. If it deviates, it must make a filing that contains the information required by RCW 48.19.040(2).

(d) A rating organization filing prospective loss costs must submit a filing of revised prospective loss costs or supporting information showing that previously filed loss costs remain valid.

(e) A rating organization filing rates must submit revised rates or supporting information showing that previously filed rates meet the requirements of RCW 48.19.020.

(2) For rate filings approved on or before September 1, 1989, the fifteen-month interval began on September 1, 1989. Thus an update to every filing subject to RCW 48.19.040(5) must be received by the commissioner on or before December 1, 1990.

(3) RCW 48.19.040(5) applies to filings of composite rates or indivisible premiums for which at least fifty percent of the expected losses arise from general liability, professional liability, and commercial automobile exposures.

(4) For purposes of this section, the following definitions apply:

(a) "General liability insurance" means insurance against loss due to claims against the insured for damages arising from:

- (i) The insured's business premises or operations;
- (ii) Business obligations contractually assumed by the insured;

- (iii) The handling or use of, or any condition in, products manufactured, handled, or distributed by the insured;
 - (iv) Actions of the insured's directors and officers; and
 - (v) Business errors or omissions by the insured.
- (b) "Professional liability insurance" means insurance against loss due to claims against the insured for damages arising from the insured's professional acts.
- (c) "Commercial automobile insurance" means insurance against loss arising from the ownership or use of a motor vehicle by a business.
- (d) "Coverage" means any combination of line of business and market segment for which an insurer or rating organization makes a separate rate filing.

AMENDATORY SECTION (Amending Order R 86-7, filed 11/26/86)

WAC 284-24-060 MODIFICATION OF FILING REQUIREMENTS. (1) Pursuant to RCW 48.19.080, the commissioner rules and hereby orders that the rate filing requirements set forth in chapter 48.19 RCW are modified so that:

- (a) No filings with respect to rates pertaining to surplus line coverages placed in this state pursuant to chapter 48.15 RCW need be made, hereby confirming the longstanding practice in this state; and
 - (b) ~~((An insurer, having made its rates for commercial insurance in full compliance with the requirements of such chapter, may use its rates immediately upon filing with the commissioner, provided the change in rates as the result of the filing neither exceeds ten percent for any single policy nor results in a change exceeding ten percent when all filings applying to any single policy are combined for the preceding twelve months.))~~ Rating organizations may make reference filings of prospective loss costs. Such filings shall contain the statistical data and supporting information for all calculations and assumptions underlying the prospective loss costs, but need not provide the information required by RCW 48.19.040 (2)(b) and (c). Filings of prospective loss costs must be approved by the commissioner prior to use by any insurer as a reference document. A member or subscribing insurer must file a loss cost adjustment and obtain the commissioner's approval prior to use of rates based on prospective loss costs.
 - (c) With respect to coverages not subject to RCW 48.19.040(5), a member or subscribing insurer of a rating organization may use rates based on prospective loss costs filed by such an organization and approved by the commissioner as a reference document without complying with the requirements of RCW 48.19.040 if:
 - (i) The insurer has an approved loss cost adjustment on file with the commissioner and proposes no changes to it; and
 - (ii) The insurer will begin using the prospective loss costs on the date proposed by the rating organization and approved by the commissioner.
 - (d) The requirements of RCW 48.19.040(5) are waived:
 - (i) With respect to filings of supplementary rating information;
 - (ii) With respect to filings of rates for umbrella and excess liability policies; and
 - (iii) With respect to filings of rates or prospective loss costs for minor optional or miscellaneous coverages. For any minor optional or miscellaneous coverage not listed specifically in subsection (2)(g) of this section, the requirements of RCW 48.19.040(5) may be waived by the commissioner upon the prior written request of the insurer or rating organization making the filing.
- (2) For purposes of this section, the following definitions apply:
- (a) ~~((("Commercial insurance" means insurance for business or non-profit interests which is not for personal, family, or household purposes.~~
 - (b) "Filing" means the submission of rates or rating plans to be used by an insurer when issuing policies. A filing, as used in this section, must include:
 - (i) Supporting actuarial data in sufficient detail to justify any rate level changes and statistically demonstrate the differences and/or correlations relevant to rating plan definitions and rate differentials; and
 - (ii) An exhibit comparing the proposed rates to the previous rates stated in percentages. This exhibit must show the date the preceding rates were submitted to the commissioner.))
 - "Rating organization" means an organization licensed pursuant to RCW 48.19.180.
 - (b) "Member or subscribing insurer" means an insurer that has granted filing authority to a rating organization pursuant to RCW 48.19.050.
 - (c) ~~((("Rate" means a monetary amount applied to the units of exposure. It includes:~~

~~(i) Classification, which means the individual rating group in which a particular risk is placed for underwriting purposes; and~~

~~(ii) Relativities, increased limit factors, territory assignments, or any other rating factors applied to a base rate when calculating a premium. With respect to package policies, the insurer need only consider the package modification factors.))~~ "Prospective loss cost" means that portion of a rate that provides only for losses and loss adjustment expense and does not include provisions for expenses (other than loss adjustment expenses) or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

(d) "Loss cost adjustment" means a factor by which prospective loss costs are multiplied to obtain final rates. It takes into account:

- (i) Operating expenses;
 - (ii) Underwriting profit (or loss) and contingencies;
 - (iii) Investment income;
 - (iv) Dividends, savings, or unabsorbed premium deposits allowed or returned to policyholders, members, or subscribers;
 - (v) Variations in loss experience unique to the insurer making the filing;
 - (vi) The effect of the timing difference on the prospective loss costs in those instances in which an insurer elects to begin using prospective loss costs on a date other than that proposed by the rating organization and approved by the commissioner; and
 - (vii) Other relevant factors, if any.
- (e) "Rate" means the cost of insurance per exposure unit, whether expressed as a single number or separately as prospective loss cost and loss cost adjustment, prior to any application of individual risk variations as permitted by WAC 284-24-100, and does not include minimum premiums or supplementary rating information.
- (f) "Supplementary rating information" means any manual or plan of policy writing rules, rating rules, classification system, territory codes and descriptions, rating plans, and any other similar information needed to determine the applicable premium for an insured. It includes factors and relativities, such as increased limits factors, package modification factors, classification relativities, and deductible relativities.
- (g) "Minor optional and miscellaneous coverages" include but are not limited to:
- (i) Towing and labor coverage.
 - (ii) Auto dealers pickup or delivery coverage.
 - (iii) Auto dealers false pretense coverage.
 - (iv) Antique auto physical damage coverage.
 - (v) Golfmobile coverage.
 - (vi) Drive other car coverage.
 - (vii) Nonownership liability coverage.
 - (viii) Hired auto coverage.
 - (ix) Rental reimbursement coverage.
 - (x) Sound receiving and transmitting equipment coverage.
 - (xi) Tapes and records coverage.
 - (xii) Additional interests coverage.
 - (xiii) Owners and contractors protective coverage.
 - (xiv) Principals protective coverage.
 - (xv) Railroad protective coverage.
 - (xvi) Elevator or escalator inspection charge.

AMENDATORY SECTION (Amending Order R 85-4, filed 11/14/85)

WAC 284-24-100 STANDARDS FOR SCHEDULE RATING PLANS, NONCOMPLYING FILINGS INEFFECTIVE. Pursuant to RCW 48.19.120, and to effectuate the provisions of RCW 48.19.030, the commissioner finds that existing schedule rating plans permit excessive credits or debits, commonly resulting in discrimination against insureds or inadequate premiums, and, for that reason, fail to meet the requirements of chapter 48.19 RCW. Therefore, no filing of a schedule rating plan shall be effective or accepted after January 1, 1986, unless it meets the following standards:

(1) A plan shall apply only to those classes of insurance (monoline or packaged) commonly known as commercial vehicle, commercial general casualty, commercial inland marine, commercial fidelity, commercial crime, and commercial property.

(2) A plan shall provide for no more than a twenty-five percent credit (reduction) or debit (charge), excluding any expense adjustment permitted by a lawfully filed and approved expense adjustment plan.

(3) A plan must provide for an objective analysis by the insurer of the risk and be based on specific factual information supporting the rating. Items such as the following may be considered:

- (a) Management capacity for loss control and risk improvement, including financial and operating performance.
- (b) Condition and upkeep of premises and equipment.
- (c) Location of risk and suitability of occupancy.
- (d) Quality of fire and police protection.
- (e) Employee training, selection, supervision, or similar elements.
- (f) Type of equipment.
- (g) Safety programming.
- (h) Construction features and maintenance.
- (i) Classification variances, including differences from average hazards.

(4) A plan must provide that when a risk is rated below average (debited), an insured or applicant, upon timely request, will be advised by the insurer of the factors which resulted in the adverse rating so that the insured or applicant will be fairly apprised of any corrective action that might be appropriate with respect to the insurance risk.

(5) A plan shall be administered equitably and applied fairly to every eligible risk which an insurer elects to insure. Records supporting the development of individual risk modifications shall be retained by the insurer for a minimum of three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later, and made available at all reasonable times for the commissioner's examination. Such records must include copies of all documentation used in making each particular determination, even though a credit or debit may not result.

WSR 90-10-057

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 89-45—Filed May 1, 1990, 10:11 a.m.]

Date of Adoption: May 1, 1990.

Purpose: To establish eligibility criteria and funding requirements for a program of grants to local governments for remedial action. This new rule is titled chapter 173-322 WAC, Remedial action grants.

Statutory Authority for Adoption: Chapter 70.105D RCW, the Model Toxics Control Act.

Pursuant to notice filed as WSR 90-01-079 on December 19, 1989.

Changes Other than Editing from Proposed to Adopted Version: Generic references to "cleanup processes regulations adopted under chapter 70.105D RCW" were changed to section specific references to chapter 173-340 WAC, Model Toxics Control Act cleanup processes. Definitions were added to "routine cleanup actions" and "site hazard assessment." The definition of "cleanup action" was changed to bring it into compliance with the Model Toxics Control Act. Some definitions and the list of specific eligible costs were changed to clarify the status of interim actions. Language regarding the sources of matching funds was changed to bring the rule into internal compliance.

Effective Date of Rule: Thirty-one days after filing.

May 1, 1990

Fred Olson

Deputy Director

Chapter 173-322 WAC

REMEDIAL ACTION GRANTS

WAC

- 173-322-010 Purpose and authority.
- 173-322-020 Definitions.
- 173-322-030 Relation to other legislation and administrative rules.

- 173-322-040 General.
- 173-322-050 Applicant eligibility.
- 173-322-060 Applicant screening and evaluation process.
- 173-322-070 Eligible costs.
- 173-322-080 State assistance share.
- 173-322-090 Grants to economically disadvantaged local governments.
- 173-322-100 Grants for site hazard assessments.
- 173-322-110 Fiscal controls.
- 173-322-120 Grant administration.

NEW SECTION

WAC 173-322-010 PURPOSE AND AUTHORITY. This chapter recognizes that the state contains hundreds of hazardous waste sites which threaten the state's water resources, including those used for public drinking water; that many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and the environment; and that the costs of eliminating these threats in many cases are beyond the financial means of local governments and ratepayers.

The purpose of this chapter is to establish requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.070 (3)(a) and (7). The department shall provide grants to local governments for remedial actions including site hazard assessments, remedial investigations, feasibility studies, pilot studies, remedial designs, interim actions, and cleanup actions at hazardous waste sites.

NEW SECTION

WAC 173-322-020 DEFINITIONS. (1) Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC 173-340-200.

(2) "Act" means the "Model Toxics Control Act," chapter 70.105D RCW

(3) "Agreed order" means an order issued under WAC 173-340-530.

(4) "Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

(5) "Consent order" means an order issued under chapter 90.48 or 70.105B RCW.

(6) "Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

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

(8) "Enforcement order" means an order issued under WAC 173-340-540.

(9) "Grant agreement" means a binding agreement between the local government and the department that authorizes the transfer of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.

(10) "Hazard ranking" means the ranking for hazardous waste sites to be used by the department pursuant to chapter 70.105D RCW.

(11) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

(12) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

(13) "Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

(14) "Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(15) "Minimum functional standards" means the requirements of chapter 173-304 WAC, the minimum functional standards for solid waste handling.

(16) "National Priority List (NPL)" means a list of hazardous waste sites at which the United States Environmental Protection Agency intends to proceed with enforcement or cleanup action.

(17) "Oversight costs" are remedial action costs of the department or the United States Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at a hazardous waste site.

(18) "Pilot study" means an experiment in remedial action method, with the purpose of testing the suitability of a particular cleanup technology or process for remedial action at a particular site.

(19) "Potentially liable person (PLP)" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

(20) "Remedial action" means any action or expenditure to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(21) "Remedial design (RD)" means an engineering study during which technical plans and specifications are developed to guide subsequent cleanup action at a hazardous waste site.

(22) "Remedial investigation/feasibility study (RI/FS)" means a study intended to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action.

(23) "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

(24) "Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

NEW SECTION

WAC 173-322-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES.

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous waste investigation and cleanup.

(2) Nothing in this chapter shall modify the legal settlements and enforcement orders the department has secured with potentially liable parties for remedial action. The execution of remedies pursuant to court order or decree shall in no way be contingent upon the availability of grant funding.

(3) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-322-040 GENERAL. (1) Appropriation and allocation of funds. Grants will be awarded within the limits of available funds. The obligation of the department to make grant 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 allotment of funds during the next biennium.

(2) Remedial action grants shall be used to supplement local government funding and funding from other sources to carry out required remedial action.

(3) The department may fund all or portions of eligible grant applications.

NEW SECTION

WAC 173-322-050 APPLICANT ELIGIBILITY.

(1) All applicants must be local governments as defined in this chapter.

(2) Any local government is eligible to apply for a remedial action grant, except that only a local health district may apply for a site hazard assessment grant.

(3) Eligibility for all remedial action grants except site hazard assessment grants is limited to applicants that meet the following standards.

(a) The applicant must be a local government which is a potentially liable person (PLP) at a hazardous waste site. The local government may be the sole PLP, or there may be other PLPs at the site.

(b) The local government must meet one of the following standards:

(i) The department must have required the local government to perform some phase of remedial action. That requirement may take any of the following forms, hereinafter referred to as "order or decree": A consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or an agreed order under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or a consent order under chapter 90.48 RCW requiring remedial action at the site prior to

March 1, 1989, or an amendment to such an order subsequent to March 1, 1989.

(ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.

NEW SECTION

WAC 173-322-060 APPLICANT SCREENING AND EVALUATION PROCESS. (1) Remedial action grant applications, except those for site hazard assessments, will be evaluated by the department on a first-come, first-served basis. If pending grant applications exceed available funding, then the department may prioritize applications in accordance with subsection (4) of this section.

(2) Remedial action grant applications must:

(a) Include a commitment by the local government for local funds to match grant funds according to the requirements of WAC 173-322-080.

(b) Include a scope of work which accomplishes the requirements of an order or decree with the department except for the site hazard assessments, which must include a scope of work which conforms to the requirements of WAC 173-340-320(4).

(3) Routine cleanup actions must meet the criteria under WAC 173-340-130(7).

(4) When pending grant applications, except those for site hazard assessments, exceed the amount of funds available, the department may prioritize applications based upon the following criteria:

(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priority List ranking. Higher ranking sites will receive a higher funding priority, except that routine cleanup actions may have lower ranking.

(b) Continuity of commitment. Higher priority will be given to projects which continue cleanup work at a hazardous waste site where the department has previously provided grant funding assistance.

(c) Evidence that the grant will expedite cleanup.

(d) Readiness of the applicant to proceed promptly to accomplish the scope of work.

(5) Until June 30, 1991, those local governments that applied for remedial action grants during the 1988 application period, and that meet the eligibility requirements of WAC 173-322-050(3), will be given funding priority for all remedial action grants, except site hazard assessment grants.

(6) Site hazard assessment grants will be evaluated and prioritized for funding based upon the following criteria:

(a) Potential public health or environmental threat from the site.

(b) Ownership of the site. Publicly-owned sites will receive priority over privately-owned sites.

(c) Evidence that the assessment will expedite cleanup.

NEW SECTION

WAC 173-322-070 ELIGIBLE COSTS. (1) Costs for remedial action at landfills.

(a) Eligible costs include reasonable costs incurred in performing:

(i) Site hazard assessments.

(ii) Remedial investigations.

(iii) Feasibility studies.

(iv) Remedial designs.

(v) Pilot studies.

(vi) Interim actions.

(vii) Cleanup actions required by order or decree with the department, including costs of activities to close a landfill in excess of the requirements of chapter 173-304 WAC.

(viii) Capital costs of long-term monitoring systems.

(ix) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.

(x) At a landfill which has been closed according to the requirements of chapter 173-301 WAC, costs to upgrade the landfill closure that are required by the department as part of cleanup action at the site.

(xi) For economically disadvantaged local governments, costs to close a landfill that are required for cleanup by order or decree with the department, including costs of the closure requirements of chapter 173-304 WAC.

(b) Ineligible costs.

(i) Costs to close a landfill according to the requirements of chapter 173-304 WAC, except for landfills of economically disadvantaged local governments.

(ii) Retroactive costs except as limited by WAC 173-322-110.

(iii) Legal fees and penalties.

(iv) Oversight costs.

(v) Operating and maintenance costs after the first year of accomplishing the remedial action.

(vi) Operating and maintenance costs of long-term monitoring.

(vii) Costs incurred in conducting independent remedial actions.

(2) Costs for remedial actions at sites other than landfills.

(a) Eligible costs will include, in addition to costs listed in subsection (1)(a) of this section, costs incurred to perform remedial action required by order or decree with the department.

(b) Ineligible costs will include, in addition to costs listed in subsection (1)(b) of this section, costs incurred to meet departmental requirements for source control and prevention.

(3) Costs for site hazard assessments. Eligible costs include activities performed pursuant to WAC 173-340-320.

(4) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.

NEW SECTION

WAC 173-322-080 STATE ASSISTANCE SHARE. (1) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) will be considered for grant funding at up to fifty percent.

(2) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) and that are for routine cleanup actions will be considered for grant funding of up to one hundred percent for the first fifty thousand dollars of eligible costs. No grant for routine cleanup action shall exceed fifty thousand dollars.

(3) Costs for site hazard assessments which are eligible under WAC 173-322-070(3) will be considered for grant funding of up to one hundred percent for the initial twenty-five thousand dollars of costs, and up to fifty percent for the next fifty thousand dollars of eligible costs. No grant for site hazard assessment shall exceed fifty thousand dollars.

(4) In addition to grant funding under this section, economically disadvantaged local governments may apply for up to twenty-five percent supplemental funding, not to exceed seventy-five percent of eligible costs. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.

(5) If a decree or order requires a PLP other than a local government to conduct remedial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding.

(6) For applicants eligible under WAC 173-322-050(3)(b)(iii), funding from either the local government or the PLP may be used to match remedial action grant funds.

NEW SECTION

WAC 173-322-090 GRANTS TO ECONOMICALLY DISADVANTAGED LOCAL GOVERNMENTS. (1) This section authorizes a program of grants to assist economically disadvantaged local governments to pay for remedial action required by the department at landfill sites.

(2) A local government is considered economically disadvantaged if it is a county, or a local government within a county, which meets both of the following criteria:

(a) Per capita income, as measured by the latest official estimate of the Washington state office of financial

management, is in the lower twenty counties in the state; and

(b) It is economically distressed as defined by chapter 43.165 RCW.

(3) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action to be published on a biennial basis.

(4) The department will consider applications from economically disadvantaged local governments which meet the applicant eligibility requirements of WAC 173-322-050(3).

NEW SECTION

WAC 173-322-100 GRANTS FOR SITE HAZARD ASSESSMENTS. (1) This section authorizes a program of grants to local health districts to perform site hazard assessments at suspected hazardous waste sites. The purposes of this program are to supplement department efforts to rank hazardous waste sites, to encourage local government initiative in the cleanup of hazardous waste sites, and to expedite cleanup actions.

(2) The grant may assist hazard assessment at any site, but public sites will receive priority.

(3) The scope of work for a site hazard assessment will conform to WAC 173-340-320 and prescribed guidelines issued by the department.

(4) The department retains the authority to review and verify the results of a site hazard assessment.

(5) The assessment must be for a site not previously assessed by the department or the United States Environmental Protection Agency.

(6) No local health district may receive more than one site hazard assessment grant per biennium.

NEW SECTION

WAC 173-322-110 FISCAL CONTROLS. (1) Cap on site funding. After the remedial investigation and feasibility study have been completed and a final remedial action plan has been developed by an eligible applicant, the department and the applicant will establish a final cleanup budget and negotiate a grant agreement. The grant amount in this agreement will be the final department remedial action grant fund commitment for cleanup at that hazardous waste site. Grant agreements may be amended, but requests to increase the remedial action grant budget at that site will receive a lower priority than other applications.

(2) Retroactive funding. Grant funding of costs already incurred prior to the date of the grant agreement may be allowed to local governments where the order or decree with the department postdates March 1, 1989, under one or more of the following circumstances:

(a) If the grant application period is closed when the order or decree becomes effective;

(b) If the department unreasonably delays the processing of a remedial action grant application;

(c) If there are inadequate funds in the local toxics control account to cover the entire scope of work required by decree or order; and/or

(d) If remedial actions not required by decree or order have proceeded, grants for this work may be made if the department later formally includes such work items in a decree or order.

(3) Reimbursement of grant funds. If the department awards remedial action funds to a local government that pursues a successful settlement action against a PLP who has not settled with the department, then the department shall be reimbursed for a proportional share of the settlement, after the local government's legal fees in pursuing such contribution have been deducted.

NEW SECTION

WAC 173-322-120 GRANT ADMINISTRATION. (1) Local governments will be periodically informed of the availability of remedial action grant funding.

(2) A grant application package will be sent to all parties expressing interest in remedial action grants and to all local governments that have been required by decree or order to perform remedial actions. Grant application packages will include grant guidelines and application forms.

(3) Application must be made within sixty days after the date that a decree or order becomes effective, or within sixty days of the effective date of this rule for local governments which meet the requirements of WAC 173-322-050, but which have not submitted an application for remedial action grant funding.

(4) The department will prepare a guidance manual on a biennial basis to assist grant applicants and to facilitate compliance with this regulation.

WSR 90-10-058
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order 89-42—Filed May 1, 1990, 10:12 a.m.]

Date of Adoption: May 1, 1990.

Purpose: To delete those portions of chapter 173-315 WAC pertaining to remedial action grants, as remedial action grants will now be covered by chapter 173-322 WAC, Remedial action grants.

Citation of Existing Rules Affected by this Order: Amending WAC 173-315-010, 173-315-040 and 173-315-050.

Statutory Authority for Adoption: Chapter 70.105D RCW, the Model Toxics Control Act.

Pursuant to notice filed as WSR 90-01-124 on December 20, 1989.

Effective Date of Rule: Thirty-one days after filing.

May 1, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

WAC 173-315-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility

criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to the Model Toxics Control Act. The department may provide grants to local government for:

(1) Remedial actions, as specified in chapter 173-322 WAC;

(2) Hazardous waste plans and programs under chapter 70.105 RCW;

(3) Solid waste plans and programs under chapter 70.95 RCW.

This chapter recognizes the burden placed upon rate-payers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with the Model Toxics Control Act, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95 and 70.105 RCW, and the Model Toxics Control Act.

The interim financial assistance program will provide financial assistance to local governments in the form of grants.

The authority to provide financial assistance to local government is granted under the Model Toxics Control Act.

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

WAC 173-315-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following categories as follows:

(a) Remedial actions, as specified in chapter 173-322 WAC.

(b) Hazardous waste plans and programs.

(c) Solid waste plans and programs.

(2) Adjustment of funds. Based on a periodic internal review of grant applications received, grant obligations, grant fund balances, and revenue projections, the department may allocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant categories.

(3) Grant application process. Grant application deadlines and schedules will be announced based upon funding allocations for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored if it is a competitive grant program by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is reviewed and/or scored and an award notice letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern.

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant agreement has been signed by both the applicant and the department. The grant agreement becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that date are grant eligible unless specific provision is made in the grant agreement for such costs.

(4) Appropriation and allotment of funds. The obligation of the department to make grant 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 allotment of funds during the next biennium.

(5) Administrative practices. All grants under this chapter shall be consistent with the provisions of Financial Guidelines for Grants Management, WDOE 80-6, May 1980, reprinted March 1982, or subsequent guidelines adopted thereafter.

(6) The department encourages cooperation and coordination among units of local government and any funds granted under this chapter may be used by any unit of local government through interagency agreements.

(7) The department may issue grants to local governments that applied for funding assistance authorized by chapter 70.105B RCW and chapter 173-309 WAC.

(8) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.

(9) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The department reserves the right to determine the amount of indirect allowance in each grant agreement.

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

~~WAC 173-315-050 ((REMEDIAL ACTION GRANTS)) RESERVED. ((1) Applicant eligibility: An applicant for a remedial action grant must be a local government which will use the grant for the purpose of planning and/or carrying out required remedial action at a landfill site used primarily for the disposal of municipal solid waste.~~

~~An applicant must also meet one of the following requirements:~~

~~(a) Be a party to a consent decree under chapter 70.105B RCW, the Model Toxics Control Act, or a consent order under chapter 90.48 RCW requiring remedial action at a landfill site; or~~

~~(b) Have been issued an enforcement order under RCW 90.48.120, the Model Toxics Control Act, or RCW 70.105B.120 (1)(c)(ii) or (2), requiring remedial action at a landfill site.~~

~~Sites meeting eligibility requirements shall be deemed, for the purposes of this chapter, to be on the hazard ranking list pending issuance of such a list.~~

~~(2) Eligible project costs:~~

~~(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste:~~

~~(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:~~

~~(i) Remedial investigations to define the extent and source of contamination;~~

~~(ii) Feasibility studies to develop and evaluate cleanup options;~~

~~(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;~~

~~(iv) Monitoring;~~

~~(v) Methane control;~~

~~(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;~~

~~(vii) Run-on/run-off water control systems;~~

~~(viii) Final cover;~~

~~(ix) Ground water treatment and control;~~

~~(x) In situ treatment technology;~~

~~(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;~~

~~(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;~~

~~(xiii) Other remedial action activities as determined by the department on a case-by-case basis.~~

~~(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.~~

~~(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs:))~~

WSR 90-10-059
PERMANENT RULES
COMMISSION ON
JUDICIAL CONDUCT
 [Filed May 1, 1990, 10:26 a.m.]

Date of Adoption: April 6, 1990.

Purpose: Adopt permanent commission rules.

Citation of Existing Rules Affected by this Order:
 Amending Title 292 WAC.

Statutory Authority for Adoption: Chapter 2.64
 RCW.

Other Authority: Washington Constitution, Article
 IV, Section 31.

Pursuant to notice filed as WSR 90-03-095 on Janu-
 ary 24, 1990.

Changes Other than Editing from Proposed to Adopt-
 ed Version: WAC 292-12-030(5), increased time for
 judge's answer from 14 to 21 days.

Effective Date of Rule: Thirty-one days after filing.

April 6, 1990
 Wesley A. Nuxoll
 Chair

Chapter 292-08 WAC
**AGENCY ORGANIZATION—CONFIDENTIALI-
 TY**

WAC

- 292-08-010 Purpose.
- 292-08-020 Function.
- 292-08-030 Definitions.
- 292-08-040 Organization.
- 292-08-050 Confidentiality provisions.

NEW SECTION

WAC 292-08-010 **PURPOSE.** The purpose of this
 chapter is to provide rules implementing Article IV,
 Section 31, of the Constitution of the state of
 Washington and chapter 2.64 RCW for the commission
 on judicial conduct.

NEW SECTION

WAC 292-08-020 **FUNCTION.** (1) The commis-
 sion on judicial conduct is constitutionally created to
 consider complaints that a judge has violated a rule of
 judicial conduct, or has a disability which is permanent
 or likely to become permanent and which seriously in-
 terferes with the performance of judicial duties.

(2) The commission shall adopt, amend, or repeal a
 rule in accordance with the procedures of RCW 34.05-
 .310 through 34.05.395. In addition, the commission will
 provide adopted rules to the reporter of decisions for
 publication in the official codification of Washington
 Court Rules.

NEW SECTION

WAC 292-08-030 **DEFINITIONS.** In these rules:

(1) "Admonishment," when issued by the commission,
 means a written disposition of an advisory nature that

cautions a judge not to engage in certain proscribed be-
 havior. An admonishment may include a requirement
 that the judge follow a specified corrective course of
 action.

(2) "Censure" means a written action of the commis-
 sion that requires a judge to appear personally before
 the commission, and that finds that conduct of the judge
 violates a rule of judicial conduct, detrimentally affects
 the integrity of the judiciary, undermines public confi-
 dence in the administration of justice, and may or may
 not require a recommendation to the supreme court that
 the judge be suspended or removed. A censure shall in-
 clude a requirement that the judge follow a specified
 corrective course of action.

(3) "Chairperson" includes the acting chairperson.

(4) "Commission" means the commission on judicial
 conduct.

(5) "Complaint" means a statement or communica-
 tion alleging facts which may, upon investigation, lead to
 a finding of judicial misconduct or disability.

(6) "Fact-finder" means the commission, or at the
 discretion of the commission, a three-member subcom-
 mittee consisting of a citizen, a judge, and a lawyer
 member of the commission, or a master appointed by the
 commission.

(7) "Hearing" means a meeting for the purpose of
 taking evidence and conducted by a fact-finder.

(8) "Judge" means a judge or justice and includes
 justices of the supreme court, judges of the court of ap-
 peals, judges of the superior court, judges of any court
 organized under Titles 3, 35, or 35A RCW, judges pro
 tempore, court commissioners, and magistrates. The
 term includes full-time and part-time judges and judges
 who have been or have not been admitted to the practice
 of law in Washington.

(9) "Master" means a person appointed by the com-
 mission to hear and take evidence with respect to
 charges against a judge.

(10) "Meeting" means a meeting of the commission
 for any purpose other than the taking of evidence for
 fact-finding.

(11) "Member" means a member of the commission
 and includes alternates acting as members.

(12) "Party" means the judge or the judge's attorney,
 or the commission or its attorney, as the context
 suggests.

(13) "Reprimand" means a written action of the
 commission that requires a judge to appear personally
 before the commission, and that finds that the conduct
 of the judge is a minor violation of the code of judicial
 conduct and does not require censure or a formal rec-
 ommendation to the supreme court that the judge be
 suspended or removed. A reprimand shall include a re-
 quirement that the judge follow a specified corrective
 course of action.

(14) "Statement of charges" means the formal charge
 of judicial misconduct or disability filed by the commis-
 sion upon the completion of an investigation and initial
 proceeding and forming the basis for a fact-finding
 hearing.

(15) "Verified statement" means a sworn statement
 which includes allegations showing that a judge may

have violated a rule of judicial conduct or may be suffering a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

NEW SECTION

WAC 292-08-040 ORGANIZATION. (1) The commission shall elect from its members a chairperson, a vice-chairperson and secretary, each of whom shall serve a term of two years or until they cease to be members of the commission, whichever period is shorter. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the members present may select a temporary chairperson.

(2) The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall employ an executive director and such administrative or other staff as are necessary to manage the affairs of the commission.

(3) Meetings of the commission shall be held at the call of the chairperson or the written request of five members of the commission.

The commission may conduct executive meetings by telephone conference call.

(4) Six members must be present for the transaction of business by the commission. However, the adoption of or amendment to the rules of the commission, the determination of probable cause, or lack thereof, the imposition of, or stipulation to, an admonishment, reprimand or censure, with or without a recommendation of suspension or removal of the judge, or the recommendation of retirement of a judge shall require the affirmative vote of six members of the commission.

(5) The chairperson will call upon an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disabled, disqualified, or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission. The chairperson shall identify when an alternate member is serving in the place of a commission member.

NEW SECTION

WAC 292-08-050 CONFIDENTIALITY PROVISIONS. (1) Except as provided in this rule and WAC 292-12-030 and 292-12-040, the fact that a complaint has been made, or a statement has been given to the commission and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(2) The statement of charges alleging judicial misconduct or disability shall be available for public inspection as provided in WAC 292-12-030(1). The fact-finding hearing before the commission, a subcommittee of the commission, or a master shall be open to the public; however, deliberation of the fact-finder in reaching a decision on the statement of charges shall be conducted in executive session.

(3) In the following circumstances, the commission may, with the permission of the judge, make a public statement regarding complaints concerning the judge which would otherwise be confidential:

(a) If public statements that charges are pending before the commission are substantially unfair to a judge; or

(b) If a judge is publicly associated with violating a rule of judicial conduct or with having a disability, and the commission, after a preliminary investigation has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(4) After final commission action on a complaint, the commission shall disclose to the person making a complaint that after an investigation of the charges:

(a) The commission has found no basis for action by the commission against the judge; or

(b) The commission has admonished, reprimanded, or censured the judge, or censured the judge and recommended to the supreme court the suspension or removal of the judge or has recommended to the supreme court the retirement of the judge. The name of the judge, in the discretion of the commission, shall not be used in written communication to the complainant.

(5) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies, when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates shall be informed of any information released.

(6) Unless otherwise permitted by these rules, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to contempt proceedings.

**Chapter 292-12 WAC
PROCEDURAL RULES**

WAC

- 292-12-010 Preliminary investigation.
- 292-12-020 Initial proceedings.
- 292-12-030 Statement of charges.
- 292-12-040 Fact-finding hearing.
- 292-12-050 Disqualification of fact-finder.
- 292-12-060 Procedural rights of judge.
- 292-12-070 Guardian ad litem.
- 292-12-080 Discovery procedure before fact-finding.

292-12-090	Amendments to statement of charges or answer.
292-12-110	Procedure at fact-finding hearing.
292-12-120	Report of fact-finder.
292-12-130	Commission decision.
292-12-140	Additional evidence.
292-12-150	Supreme court procedures.
292-12-160	Reinstatement of eligibility.
292-12-170	Extension of time.
292-12-180	Service.

NEW SECTION

WAC 292-12-010 PRELIMINARY INVESTIGATION. (1) Any organization, association, or person, including a member of the commission, may make a complaint of judicial misconduct or disability to the commission. A complaint may be made orally or in writing.

(2) Upon receipt of a complaint not obviously unfounded or frivolous, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. On every complaint received, the investigative officer shall make a recommendation to the commission as to whether to commence initial proceedings.

(3) If the complaint alleges that a judge is suffering a possible physical and/or mental disability which may seriously impair the performance of judicial duties, the commission may order a judge to submit to physical and/or mental examinations at commission expense. The failure or refusal of a judge to submit to physical and/or mental examination ordered by the commission may, in the discretion of the commission, preclude the judge from presenting the results of other physical and/or mental examinations on his or her own behalf.

(4) If the commission determines to commence initial proceedings, the person making the complaint may be requested to file a verified statement with the commission. If a verified statement is not filed by the person making the complaint, the investigative officer who conducted the preliminary investigation and evaluation shall prepare and file a verified statement. Initial proceedings only will begin upon filing of a verified statement.

NEW SECTION

WAC 292-12-020 INITIAL PROCEEDINGS. (1) An investigative officer will supervise the investigation.

(2) The judge who is the subject of initial proceedings will be notified by the commission within seven days after the filing of a verified statement. The judge shall also be advised of the nature of the complaint with sufficient specificity to permit an adequate response. In its discretion, the commission may disclose to the judge the name of the individual making the complaint and may provide a copy of the verified statement to the judge.

(3) The judge shall be afforded a reasonable opportunity in the course of the initial proceedings to present such matters as he or she may choose.

(4) If the commission determines that there are insufficient grounds for further commission proceedings, the judge and the person making the complaint will be so notified.

(5) If the commission determines that probable cause exists that the judge has violated a rule of judicial conduct or may be suffering from a disability that seriously interferes with the performance of judicial duties and is permanent or is likely to become permanent, the commission shall order the filing of a statement of charges pursuant to WAC 292-12-030.

(6) Any matter before the commission, after a determination of probable cause has been made, may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge and the commission and may impose any terms and conditions deemed appropriate by the commission. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge. When a stipulation which disposes of a violation of a rule of judicial conduct has been signed by the necessary parties, the person making the complaint shall be notified of the action taken by the commission and shall be provided with a copy of the stipulation.

NEW SECTION

WAC 292-12-030 STATEMENT OF CHARGES.

(1) The commission shall file a statement of charges in the commission's office alleging the violation of a rule of judicial conduct or the disability of a judge that is or is likely to become permanent and which seriously impairs the performance of judicial duties. The statement of charges and any material or information within the commission's knowledge which tends to negate the statement of charges will be served on the judge within seven days after filing of the statement of charges. After service, the statement of charges shall be available to the public except as otherwise provided by protective order.

(2) A statement of charges under WAC 292-12-030 shall be served on a judge in person, unless the judge cannot be found within the state. If the judge cannot be found within the state and the judge's whereabouts out-of-state can reasonably be discovered, the statement of charges may be served by certified mail addressed to the judge's last known business and residence addresses and also the out-of-state address. All other papers in commission proceedings may be served on a judge in person or by mail. If counsel has appeared for a judge, papers, other than a statement of charges, may be served on counsel in lieu of service upon the judge.

(3) When a statement of charges is filed, no further factual information shall be considered by the members of the commission prior to a fact-finding hearing unless notice is given to both parties.

(4) The statement of charges will state in ordinary and concise language the basis for commission action and the facts supporting the statement of charges. The statement of charges shall also inform the judge that he or she may file a written answer to the charges as provided in subsection (5) of this section.

(5) The judge may file with the commission an answer to the statement of charges. The answer must be filed

within twenty-one days after service of the statement of charges on the judge. If the judge does not file a written answer, a general denial will be entered on behalf of the judge. The statement of charges and the answer shall be the only pleadings required. Once filed, the answer shall be available to the public.

NEW SECTION

WAC 292-12-040 FACT-FINDING HEARING.

(1) Upon filing of a statement of charges, a public fact-finding hearing will be scheduled at a location selected by the commission. The records of the initial proceeding that were the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(2) The executive director will set a time and place for the public fact-finding hearing to be held no later than forty-two days after the time for answer has expired or after the answer is filed, whichever is earlier. The judge will be given at least fourteen days' notice of the hearing which will include the name or names of the fact-finder and the presiding officer, if any.

NEW SECTION

WAC 292-12-050 DISQUALIFICATION OF FACT-FINDER. (1) A member of the commission or a master must disqualify himself or herself in any proceedings involving his or her own conduct or alleged disability. A member of the commission or a master must disqualify himself or herself if he or she cannot impartially consider the statement of charges against a judge.

(2) A judge may file an affidavit challenging for cause any member or a master who the judge believes will not impartially consider the statement of charges. The affidavit must be filed within seven days after notice of the fact-finding hearing. The commission will decide any challenge for cause if the member or master does not disqualify himself or herself.

(3) A judge may file a peremptory challenge against one member of the commission. The challenge must be filed within seven days after notice of a fact-finding hearing. If the judge has unsuccessfully challenged a member for cause, any peremptory challenge against that member must be filed within three days after service of notice of the determination of the challenge for cause.

NEW SECTION

WAC 292-12-060 PROCEDURAL RIGHTS OF JUDGE. (1) The judge has a right to notice of the complaints concerning the judge which have been found by the commission to warrant initial proceedings. The judge shall have the right and reasonable opportunity at a fact-finding hearing to defend against the allegations in the statement of charges by the introduction of evidence. The judge has the privilege against self-incrimination. The judge may be represented by counsel and may examine and cross-examine witnesses. The judge has the right to testify or not to testify on his or her own behalf. The judge has the right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary

matters. The judge has the right to a prompt resolution of the allegations in the statement of charges.

(2) A judge's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

(3) The judge will be provided, without cost, a copy of any report of proceedings prepared by the commission. The judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at his or her own expense.

(4) All witnesses shall receive fees and expenses in the amount allowed by law for witnesses in the superior court. Expenses of witnesses shall be borne by the party calling them, provided that if the commission determines that the imposition of costs and expert witness fees would work a financial hardship or injustice upon the judge, it may order that all or part of such costs and fees be reimbursed.

NEW SECTION

WAC 292-12-070 GUARDIAN AD LITEM. If it appears to the commission at any time during the proceedings that the judge is not competent to act, or if it has been previously judicially determined that the judge is not competent to act, the commission will appoint a guardian ad litem for the judge unless the judge already has a guardian who will represent the judge's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge which the judge could have claimed, exercised, or made if competent. Any notice to be served on the judge will also be served on the guardian or guardian ad litem.

NEW SECTION

WAC 292-12-080 DISCOVERY PROCEDURE BEFORE FACT-FINDING. (1) Upon written demand, the opposing party will disclose within seven days thereof, with a continuing obligation thereafter, the following:

(a) Names and addresses of all witnesses whose testimony that party expects to offer at the hearing;

(b) A brief summary of the expected testimony of each witness;

(c) Copies of signed or recorded statements of anticipated witnesses; and

(d) Copies of documents which may be offered. Witnesses or documents not disclosed may be excluded.

(2) The taking of depositions, the requesting of admissions and all other procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available upon stipulation of the parties or upon prior permission of the master or presiding officer. A request for discovery shall be granted, unless the master or presiding officer determines that the request is frivolous, will create an undue burden on the party, or will result in undue delay.

(3) The commission's counsel shall disclose to the judge any material or information within his or her knowledge which tends to negate the complaints against

the judge or mitigate the degree of discipline which may be imposed.

(4) The judge or counsel for either party may make prehearing motions to the designated presiding officer, who may make rulings or defer rulings to the commission. Motions shall be in writing and shall be filed and served on the opposing party. The responding party shall be allowed five days from service to respond, unless the time is shortened by the presiding officer for good cause. Motions will be promptly decided by written order filed in the commission office. Motions will be decided on the written materials submitted unless the presiding officer requests argument, which may be heard by conference telephone call.

NEW SECTION

WAC 292-12-090 AMENDMENTS TO STATEMENT OF CHARGES OR ANSWER. The fact-finder, at any time prior to the conclusion of the hearing, or the commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a fact-finding hearing, if an amendment substantially affects the nature of the charges, the judge will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

NEW SECTION

WAC 292-12-110 PROCEDURE AT FACT-FINDING HEARING. (1) The order of presentation shall be in the same manner as in civil cases in superior court.

(2) The case for the commission shall be presented by counsel retained by the commission.

(3) The rules of evidence (ER) shall govern the fact-finding hearing.

(4) Any finding that the judge has violated a rule of judicial conduct or that the judge has a disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties must be supported by clear, cogent, and convincing evidence.

(5) Unless the fact-finding hearing is before a master, the chairperson may appoint a member to be presiding officer or to rule on motions and objections made during the hearing. If the hearing is before the commission, a member may appeal a ruling to the commission members present. A majority vote will determine the motion.

(6) The failure of a judge to answer or to appear at the hearing or to submit to a mental or physical examination required by the commission will not prevent the commission from proceeding.

(7) Unless the judge and the commission stipulate to a different record, a verbatim record will be made and kept of the fact-finding hearing. The commission shall determine whether the verbatim record will be by court reporter or electronic recording device.

(8) Canon 3(A)(7), from the Code of Judicial Conduct, shall be followed for media participation in public hearings.

NEW SECTION

WAC 292-12-120 REPORT OF FACT-FINDER.

(1) The fact-finder, when other than the entire commission, shall prepare a report containing a brief statement of the procedure followed and the proposed findings of fact, conclusions of law, and a recommendation with respect to the issues presented at the fact-finding hearing. The report and verbatim record shall be filed in the commission office within thirty-five days after the hearing. The report and record shall be served on the parties within fourteen days thereafter. The original fact-finder may request the prevailing party to prepare the findings of fact and conclusions of law.

(2) A party may file with the commission a statement of objections to the report of the fact-finder. The statement shall set forth all objections to the report and state reasons therefor. The objections must be filed with the commission and served on the opposing party within fourteen days after service of the report on the party.

(3) If no statement of objections to the report of the fact-finder is filed within the time provided in subsection (2) of this section, the report may be adopted without argument.

(4) If a statement of objections is timely filed, the commission may schedule oral argument, or consider the matter on the record along with briefs of the parties. The parties shall be given at least fourteen days' written notice of the time and place for argument.

(5) If the commission proposes to modify or reject the original fact-finder's report, the commission shall schedule a time for oral argument on the record along with briefs of the parties. The parties shall be given at least fourteen days' written notice of the time and place for argument.

NEW SECTION

WAC 292-12-130 COMMISSION DECISION.

(1) The commission in open session shall announce and file its decision either to dismiss the case, or to admonish, reprimand or censure the judge, or to censure the judge and recommend to the supreme court the suspension or removal of the judge, or to recommend to the supreme court the retirement of the judge because the judge is suffering from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. The commission may not recommend suspension or removal unless it censures the judge for the violation serving as the basis for the recommendation. If the commission decides to censure or reprimand a judge, the commission shall order the judge to appear personally before the commission. The commission's written decision will include findings of fact, conclusions of law, and any recommendation required to be filed with the supreme court. The commission may adopt the report of the original fact-finder, in whole or in part, by reference. To vote on a matter, a member who did not sit as a fact-

finder must consider the verbatim record and any report of a fact-finder. Any commission member may file a dissent.

(2) The commission may consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge when such conduct relates to a complaint filed with the commission against the same judge.

(3) The commission's written decision will be served upon the judge and his or her counsel of record within fourteen days after the decision is filed in the commission's office.

(4) When the hearing is before the commission, a party may file objections to the record or a motion for reconsideration of the commission decision within fourteen days after the decision and record have been served. Objections will be determined by the chairperson or, in his or her discretion, by the commission.

(5) The commission decision is final fourteen days after service unless a motion for reconsideration or objection or an order for the taking of additional evidence pursuant to WAC 292-12-140 is filed. If a motion for reconsideration or objection is denied, the decision is then final. If either the motion for reconsideration or objection is granted, the reconsidered decision is final when filed in the commission's office.

(6) When the decision is final, the commission will notify the person making the complaint of its decision.

NEW SECTION

WAC 292-12-140 ADDITIONAL EVIDENCE. The commission may order a public hearing for the taking of additional evidence at any time before its decision is final. The order will set the time and place of the hearing and will specify the matters on which the additional evidence is to be taken. A copy of the order shall be served upon the judge at least fourteen days prior to the date set for hearing. The hearing will be conducted in the manner provided in WAC 292-12-040 through 292-12-130.

NEW SECTION

WAC 292-12-150 SUPREME COURT PROCEDURES. (1) Within fourteen days after the decision is final, a commission decision recommending the suspension, removal, or retirement of a judge will be filed in the supreme court and served on the judge. The notice of the decision served on the judge shall state the date the decision was filed in the supreme court and shall specify the period during which the judge may challenge the commission recommendation as provided in Discipline Rules for Judges.

(2) If the commission recommendation is that the judge be removed, the judge shall be suspended, with salary, from that judicial position effective upon filing the recommendation with the supreme court; such suspension with pay will remain in effect until a final determination is made by the supreme court.

(3) The chairperson shall certify the record of commission proceedings to the supreme court, having transmitted to the judge those portions of the record required by Discipline Rules for Judges or these rules.

(4) If the supreme court remands a case, the commission will proceed in accordance with the order on remand.

NEW SECTION

WAC 292-12-160 REINSTATEMENT OF ELIGIBILITY. A former judge whose eligibility for judicial office had been removed by the supreme court may file with the commission a petition for reinstatement of eligibility. WAC 292-08-050 and 292-12-040 through 292-12-180 apply to commission review of a petition for reinstatement of eligibility. The commission will recommend to the supreme court in writing that the former judge should or should not be reinstated to eligibility to hold judicial office as provided in Discipline Rules for Judges.

NEW SECTION

WAC 292-12-170 EXTENSION OF TIME. Upon a showing of good cause the chairperson or fact-finder may extend the time within which an act must be done under these rules.

NEW SECTION

WAC 292-12-180 SERVICE. (1) Service of papers on the commission shall be given by delivering or mailing the papers to the commission's office.

(2) If service is by mail, a paper is timely served if mailed within the time permitted for service. If a paper is served by mail, a time period dependent on the service begins to run three days after the paper is mailed.

**WSR 90-10-060
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed May 1, 1990, 10:49 a.m.]

Original Notice.

Title of Rule: WAC 296-116-075 Qualifications for pilot applicants.

Purpose: To incorporate the 1990 legislative changes to RCW 88.16.090.

Statutory Authority for Adoption: RCW 88.16.035(2).

Statute Being Implemented: RCW 88.16.090.

Summary: RCW 88.16.090 was amended in the 1990 legislative session to conform with recent changes made to United States Coast Guard's license designations.

Reasons Supporting Proposal: United States Coast Guard licensing is a prerequisite to being eligible as a state licensed pilot.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Admiral Chet Richmond, Pier 52, Seattle, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The primary function of the proposed rule is to reflect the recent changes made to United States Coast Guard's license designations.

Proposal Changes the Following Existing Rules: Primary change is to substitute license as a master of freight and towing vessels not more than 1000 gross tons to master ocean or near coastal steam or motor vessels of not more than 1600 gross tons or as a master inland steam or motor vessels of not more than 1600 gross tons.

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

Hearing Location: Conference Room, Pier 52 Ferry Terminal, Seattle, on June 14, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by June 4, 1990.

Date of Intended Adoption: June 14, 1990.

May 1, 1990
Marjorie I. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 82-6, Resolution No. 82-6, filed 7/14/82)

WAC 296-116-075 QUALIFICATIONS FOR PILOT APPLICANTS. Under the authority of RCW 88.16.090 pilot applicants must meet one of the following additional qualifications before taking the Washington state pilotage examination for either the Grays Harbor or Puget Sound pilotage districts:

(1) One year of service as master of ocean or ~~((coastwise))~~ near coastal vessels while holding a license as master ocean steam or motor vessels of any gross tons or as master near coastal steam or motor vessels of any gross tons; or

~~(2) ((One year of service as master of coastwise steam or motor vessels while holding a license as a master of coastwise steam or motor vessels any gross tons; or~~

~~(3))~~ Two years of service as master of ((freight or towing vessel)) ocean or near coastal steam or motor vessels, while holding a license as ((a master of freight and towing)) master of ocean or near coastal steam or motor vessels of not more than ((+000)) 1600 gross tons; or

~~((+))~~ (3) Two years of service as master on ((lakes, bays, and sounds)) inland steam or motor vessels while holding a license as master on ((lakes, bays, and sounds any)) inland steam or motor vessels of not more than 1600 gross tons; or

~~((+))~~ (4) Three years of ((experience)) service as a member of an organized professional pilots association or as a United States government employed pilot, during which period the candidate was actively engaged in piloting ((while holding a)). Hold as minimum ((license as)) a license as either a master ((freight or towing vessel not more than +000)) ocean or near coastal steam or motor vessels not more than 1600 gross tons or as master inland steam or motor vessels not more than 1600 gross tons; or

~~((+))~~ (5) Two years of service as a chief ((officer)) mate on ocean or ((coastwise)) near coastal steam or motor vessels ((of not less than +000 gross tons)) while holding a license as master ocean or master near coastal steam or motor vessels any gross tons; or

~~((+))~~ Two years (6) Eighteen months of service as commanding officer of ((U.S.)) United States government vessels ((of not less than +000 gross tons;)) and ((holding)) hold a license as either master ocean or master near coastal steam or motor vessels any gross tons.

~~((Note: (All licenses referred to in sections (1)-(7) shall be licenses for inspected vessels;))~~

WSR 90-10-061

ATTORNEY GENERAL OPINION

Cite as: AGO 1990 No. 3

[April 26, 1990]

CITIES AND TOWNS—MUNICIPAL CORPORATIONS—
TAXATION—PUBLIC UTILITY

1. A municipality that imposes a tax on its electric utility department pursuant to RCW 35.21.860 and .865 may measure the tax by the utility department's gross revenues, derived from the utility's customers located both inside and outside the city, so long as the tax is within constitutional limits.

2. A municipality may not levy a tax on another municipality without express authority. RCW 35.21.860 and .865 do not authorize one municipality to levy a tax on the electric utility department of another municipality.

Requested by:

Honorable Sally W. Walker
State Representative
Twenty-eighth District
House Office Building
Olympia, WA 98504

WSR 90-10-062

NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION

[Memorandum—April 30, 1990]

This is to advise you that the Washington State Human Rights Commission will hold its next regular commission meeting in Spokane on May 23 and 24, 1990. The meeting on May 23, will be held at the Spokane Convention Center, Yakima Rooms A, B, and C, West 334 Spokane Falls Boulevard, Spokane, from 7:00 p.m. to 9:00 p.m. and will be a reception to provide the members of the Spokane community an opportunity to meet informally with the commissioners. The regular business meeting will be held at the Eastern Washington University Higher Education Center, Fourth Floor Mall, West 705 First, Spokane, beginning at 9:30 a.m. on May 24, 1990.

WSR 90-10-063

NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION

[Memorandum—April 30, 1990]

This is to advise you that the Washington State Human Rights Commission will hold a special commission meeting, executive session only, to discuss the selection of an executive director on May 9, 1990. The meeting will be held by telephone conference call at 11:30 a.m. The call will originate at the office of the Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia.

WSR 90-10-064
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2974—Filed May 1, 1990, 3:15 p.m.]

Date of Adoption: May 1, 1990.

Purpose: To exclude a household in which all members are homeless individuals or a seasonal farmworker household from the mandatory monthly reporting requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-590 Monthly reporting.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 90-07-080 on March 21, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-49-590 (1)(a)(iii) is changed to state: "Household with a recent work history in which all adult members are elderly or disabled." The intent of this change is essentially the same as language published in the register.

Effective Date of Rule: Thirty-one days after filing.

May 1, 1990

Leslie F. James, Director
 Administrative Services

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

WAC 388-49-590 MONTHLY REPORTING. (1) The department shall require the following households to return a completed monthly report by the fifth day of the process month describing the household circumstances during the budget month:

(a) A household(;) with earned income or with a recent work history except a:

(i) Migrant or seasonal farm worker household(, with earned income); or

(ii) Household in which all members are homeless individuals; or

(iii) Household with a recent work history in which all adult members are elderly or disabled.

(b) ~~((A household with a recent work history, and (c)))~~ An AFDC household subject to ~~((mandatory))~~ monthly reporting.

(2) A household with a recent work history shall report for two months:

(a) Beginning the month following the month of opening at initial application, or

(b) After the last month of earnings during the certification period.

(3) The department shall require a household reporting monthly to verify information necessary to:

(a) Determine the household's eligibility, and

(b) Compute the household's benefits.

(4) The department shall notify a household if:

(a) Its monthly report is late,

(b) Its monthly report is incomplete, or

(c) Additional information is needed.

(5) If the household furnishes a completed report to the department by the end of the process month, the department shall:

(a) Accept the monthly report, and

(b) Continue benefits if the household remains eligible.

(6) The department shall terminate a household failing to return a completed report by the end of the process month.

(7) The department shall not require a household that reports monthly to report changes ~~((prior to))~~ before reporting on the monthly report.

WSR 90-10-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed May 1, 1990, 3:28 p.m.]

Original Notice.

Title of Rule: Chapter 388-19 WAC, Special supplemental food program for women, infants, and children (WIC).

Purpose: The amendments to this rule will enable the DSHS WIC program to better enforce federal regulations by tightening the parameters within which WIC authorized food vendors operate.

Statutory Authority for Adoption: RCW 43.20A.550.

Statute Being Implemented: RCW 43.20A.550.

Summary: The amendments to this rule change the expiration dates of the food vendor provider agreements and the contracting method used; expand the requirements for authorization of food products to guarantee consistency of produce availability to WIC participants. This will also save the WIC program the costs of recontracting authorization; give legal basis to the language in the vendor provider agreements; and change all references to parent-child health services from bureau to division.

Reasons Supporting Proposal: This rule is necessary to provide the legal basis and language for the vendor provider agreements which the DSHS WIC program uses to contract with retail groceries and pharmacies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Evans, WIC Vendor Contracts Coordinator, 586-6739.

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, Washington, on June 5, 1990, 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 June 5, 1990.

Date of Intended Adoption: June 6, 1990.

May 1, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2638, filed 6/30/88)

WAC 388-19-005 DESCRIPTION OF WIC PROGRAM. (1) The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. The purpose of the program is to ((provide)) serve as an adjunct to health care by providing nutritious food; nutrition education and counseling; health screening; and referral services to pregnant and breast-feeding women, infants, and children in certain high-risk categories.

(2) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated by reference. These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and lessen the possibility of participant, food vendor, and local agency abuse of the WIC program. These regulations define the rights, responsibilities, and legal procedures of participants, vendors, and local agencies.

(3) The WIC program in the state of Washington is administered by the nutrition services section of the division of parent-child health services in the department of social and health services.

(4) As used in this chapter, the following definitions apply:

(a) "Department" means the department of social and health services; ("food vendor" means grocers and pharmacists; and)

(b) "Food company" means manufacturer of food items;

(c) "Food instrument" means check or voucher;

(d) "Food vendor" means the owner, chief executive officer, controller, or other person legally authorized to obligate a store location to a contract; and

(e) "Local WIC agency" means the clinic or agency where a participant receives WIC services.

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 2638, filed 6/30/88)

WAC 388-19-015 AUTHORIZED FOODS. (1) The department shall provide one or more of the following foods to eligible women, infants, and children:

- (a) Cereals,
- (b) Juices,
- (c) Infant formula,
- (d) Infant cereal,
- (e) Milk,
- (f) Eggs,
- (g) Dry beans and peas,
- (h) Peanut butter, and
- (i) Cheese.

These foods shall meet nutritional standards established by federal regulations.

(i) The department shall approve specific brands of infant formula, juice, and cereal based on federal nutritional requirements. In addition, the department specifies juice provided to WIC clients must be unsweetened; and

(ii) The department shall designate specific types of domestic, pasteurized cheese for the WIC program.

(2) A copy of the authorized WIC food list shall be included in the annually revised state plan which is available for public comment and is submitted to the United States Department of Agriculture Food and Nutrition Services regional office.

(3) The following steps have been established by the department as the formal procedure for adding a food product to the WIC program:

(a) A food company or other entity, such as a local WIC clinic, shall submit a written request for authorization of a product;

(b) The food company representative shall furnish the state WIC office with:

(i) Package flats or labels, information on package sizes and prices, and a summary of current distribution; and

(ii) The food company's summary of current distribution shall be in writing and shall include, but not be limited to:

(A) Identification of the wholesaler carrying the product; and

(B) Assessment of when the new product replaces the old on store shelves when there is a change in the product formulation.

This information must be received ((at least)) ninety days ((prior to)) or more before WIC food instrument revision deadlines. ((These revisions occur approximately twice a year, depending on the need for replenishing the supply.))

(c) ((H)) When the product meets federal and state requirements, the department shall verify product availability and price;

(d) The nutrition ((education)) services work group of the ((office)) division of parent ((and))-child health services shall make ((its)) a recommendation based on the product's ingredients and ((its)) value to the promotion of healthful and economic food buying practices;

(e) The department shall survey local WIC ((clinics)) agency staff for their recommendation in regard to need and demand for the product;

(f) The department shall review data and recommendations and shall notify the food company of ((its)) the department's decision;

(g) The department shall add the newly authorized food items to the WIC food instrument at the next scheduled printing.

(4) ((Any)) State WIC monitor staff shall determine if a food product ((s-being)) considered for ((addition to the authorized WIC food list shall be on the shelves of)) authorization is available to retail outlets, statewide, ((by the time revisions are submitted for printing new food instrument stock)) and has a history of availability for one year or more.

(5) The department reserves the right to require a food company to submit a statement guaranteeing a minimum period of time during which a food product will be available throughout the state of Washington.

(6) The department reserves the right to refuse any food product that appears ((to be)) in contradiction to the principles promoted by the WIC program's nutrition ((education)) service component.

(7) The department reserves the right to limit the number of authorized foods within a food category.

(8) Food companies shall notify the department of any changes in product content, name, label design, or availability.

(a) If a food company fails to notify the department of the changes in writing, the WIC program shall revoke the product's authorization; and

(b) A food company shall notify the department of changes before a Washington state wholesaler receives the new product.

(9) A food company shall not use the term "WIC approved" without prior department approval.

AMENDATORY SECTION (Amending Order 2681, filed 8/30/88)

WAC 388-19-020 FOOD VENDOR PARTICIPATION. (1) The department shall authorize food vendors who may redeem WIC food instruments or otherwise provide supplemental foods to WIC participants. Unauthorized vendors who redeem WIC food instruments are subject to the penalties specified in WAC 388-19-035.

(2) Application procedure.

(a) Food vendors shall submit an application to the department, including a price list for authorized WIC food. Forms used in the application process are contained in the state plan which is submitted annually to the United States Department of Agriculture Food and Nutrition Services regional office.

(b) The department may require vendor applicants to provide information regarding gross food sales and inventory records for WIC-approved foods.

(c) The department shall conduct a documented on-site visit prior to, or at the time of, initial authorization of a new vendor, for the purpose of evaluating the inventory of WIC foods and providing training ((it)) on rules and regulations of WIC transactions.

(d) The department shall issue contracts for a maximum period of two years. All contracts expire on ((December)) March 31 of ((even-numbered)) odd-numbered years. No new applications will be accepted after ((July)) October 1 in even-numbered years, except in the case of an ownership change ((at a location)) where there is a documented

need for a location in order to solve client access problems. The department has the authority to limit acceptance of new applications to other specific times as well.

(3) The department shall authorize an appropriate number and distribution of food vendors to assure adequate participant convenience and access, and to assure the department can effectively manage review of these vendors. The department has the authority to limit the number of authorized food vendors in any given geographic area or statewide. Selection is based on the following conditions:

(a) ~~((At least six WIC participants shall request a food vendor location unless the vendor is a:))~~ The vendor applicant shall have requests from or the potential of serving six or more WIC participants.

(i) ~~((Pharmacy needed as a supplier of special infant formulas; or))~~ For vendors without prior contracts, the local WIC agency shall document six or more WIC participants requesting use of a location.

(ii) ~~((Retail grocery store in an isolated area))~~ Vendors applying for re-authorization shall have a check redemption record averaging fifteen or more checks per month over a six-month period, documented by department statistics reports.

(iii) Exceptions may be made for:

(A) Pharmacies needed as suppliers of special infant formulas; or

(B) Retail grocery stores in isolated areas.

In either case, the need shall be documented by the local WIC agency.

(b) Food vendors shall stock representative items from all food categories on the authorized WIC food list that apply to the vendor's classification. ~~((No waivers shall be granted unless there is an insufficient number of authorized vendors in a given service area:))~~ Minimum quantities specified on the authorized WIC food list shall be stocked before a contract is offered to the food vendor. A food vendor seeking a waiver from the minimum formula stock requirement shall request the waiver in writing for each contracting period. No waivers shall be granted unless there is an insufficient number of authorized vendors in a given service area;

(c) Prices of individual food items shall not exceed one hundred twenty percent of the statewide average price. The state WIC office shall have the prerogative to grant waivers to the price percentage requirement when client access is jeopardized;

(d) The food vendor shall possess a valid Washington state tax registration number;

(e) The food vendor shall ~~((be willing to submit to))~~ comply with training sessions, monitor visits, and ~~((to))~~ provide invoices and shelf prices upon request;

(f) The store shall be open for business ~~((at least))~~ eight or more hours per day, six days per week.

(4) The department shall give written notification of denial, stating the reason, and advising the food vendor of the vendor's right of appeal. The department may deny a food vendor authorization for reasons including, but not limited to ~~((a))~~ the following:

(a) ~~((Food vendor who has redeemed))~~ Redeeming WIC food instruments without authorization; ~~((or))~~

(b) Store which has had) ~~Changing ownership~~ more than ~~((two owners))~~ twice during a two-year contracting period; ~~((or))~~

(c) ~~((Food vendor who has not implemented))~~ Failure to implement corrective action imposed by the department ~~((as a result of a monitoring visit));~~ ~~((or))~~

(d) ~~((Food vendor who has not completed))~~ Failure to complete payment of an imposed fine;

(e) Refusing to accept training from the WIC program; and

(f) Repeated department-documented noncompliance with program regulations.

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 Order 2638, filed 6/30/88)

WAC 388-19-025 FOOD VENDOR CONTRACTS. (1) All participating food vendors shall enter into written contracts with the department. The contract shall be signed by the vendor's legal representative.

(2) When the food vendor obligates more than one ~~((outlet))~~ store location, ~~((there))~~ all participating store locations shall be ~~((an individual contract for each outlet;))~~ listed by name and location on the contract. Individual ~~((outlets))~~ store locations may be added, temporarily disqualified, or terminated by contract amendment without affecting the remaining ~~((outlets))~~ store locations.

(3) The department shall have the authority to contract with a sole source for a specified WIC food product or food product category.

(4) WIC vendor rules. The food vendor contract shall contain the following rules:

(a) The food vendor shall stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers;

(b) The food vendor shall redeem food instruments made payable only to that specific store or with the words "any authorized WIC vendor;"

(c) The food vendor shall accept food instruments from a WIC customer within thirty days of the issuance date and submit those instruments for payment within the time period stated on the food instrument;

(d) The food vendor shall require proof of identity of WIC customers by requesting identification. The WIC identification folder is provided for this purpose;

(e) The food vendor shall ensure both signatures on the WIC check match the signature on the identification;

(f) The food vendor shall not accept WIC food instruments altered in any way;

(g) The food vendor shall redeem WIC food instruments for only the supplemental foods specified on the food instrument;

~~((e))~~ (h) The food vendor shall provide supplemental foods at the current price or at less than the current price charged other customers;

~~((d))~~ The food vendor shall accept food instruments from a WIC customer within thirty days of the issuance date and submit those instruments for payment within the time period stated on the food instrument;

~~((e))~~ (i) The food vendor shall not accept WIC checks exceeding the maximum amount allowable;

(j) The department has the right to demand refunds from the food vendors for documented overcharges;

~~((f))~~ (k) The department may deny payment to the food vendor for ~~((improper))~~ improperly handled food instruments or may demand refunds for payments already made on ~~((improper))~~ improperly handled food instruments. ~~((An example))~~ Examples of ~~((an improper))~~ improperly handled food ~~((instrument is one))~~ instruments are:

(i) A check presented to the vendor for redemption after the thirty-day valid period;

(ii) An altered check; and

(iii) A check exceeding the maximum allowable amount.

~~((g))~~ (l) The food vendor shall not seek restitution from WIC customers for food instruments not honored by the WIC program, nor shall the food vendor seek restitution through a collection agency;

(m) The food vendor shall not request cash or give change in a WIC transaction;

(n) The food vendor shall not issue refunds for returned WIC foods or allow exchanges of WIC foods;

(o) The food vendor shall not issue rain checks or any form of credit;

(p) The food vendor shall treat WIC customers with the same courtesy provided to other customers;

(q) The department shall hold the food vendor responsible for the actions of employees or agents of the vendor with regard to any WIC transaction;

~~((h))~~ (r) The manager of the store or an authorized representative such as head cashier shall agree to accept training on WIC program requirements and procedures. The department shall provide this training;

~~((i))~~ (s) The food vendor shall inform and train cashiers or other employees on WIC program rules and check cashing procedures;

~~((j))~~ The department shall hold the food vendor responsible for the actions of employees or agents of the vendor with regard to any WIC transaction;

~~((k))~~ The food vendor shall redeem food instruments made payable only to that specific store or with the words "any authorized WIC vendor;"

~~((l))~~ The food vendor shall treat WIC customers with the same courtesy provided to other customers;

~~((m))~~ (t) The department shall monitor the food vendor for compliance with WIC program rules;

~~((f))~~ (u) During the department monitoring visit of a food vendor, the food vendor shall provide access to food instruments negotiated the day of the review, at the request of the department reviewer;

~~((f))~~ (v) Food vendors shall provide department reviewers access to shelf price records;

~~((f))~~ (w) Each food vendor shall provide the department with a complete price list of authorized WIC foods ~~((at least once a))~~ not more than twelve times per year; and

~~((f))~~ (x) The food vendor shall notify the department of any store closure or change of ownership, store name, and/or location no later than the tenth of the month ~~((prior to))~~ before the month during which the change ~~((will be))~~ is effective. Notices from the vendor shall be addressed to DSHS WIC Program, Mail Stop LC-12C, Olympia, Washington 98504~~((and~~

~~((r))~~ The food vendor shall require proof of identity of WIC customers by requesting their WIC identification cards).

(5) Renewal of contract.

(a) Neither the department nor the food vendor is obligated to renew the food vendor contract. The department shall ~~((provide))~~ notify vendors ~~((with))~~ in writing not less than fifteen days ~~((advance written notice of))~~ before the expiration of a contract not being renewed by the department.

(b) Food vendors shall observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of vendors to do so may result in denial of authorization.

(6) Contract terminations.

(a) Either the department or the food vendor may terminate the contract by submitting a written notice to the other party thirty days in advance.

(b) The food vendor contract shall automatically be terminated without advance notice from the department in the event of a store closure or change in ownership.

AMENDATORY SECTION (Amending Order 2638, filed 6/30/88)

WAC 388-19-030 FOOD VENDOR MONITORING. (1) The department shall identify high-risk vendors and ensure on-site monitoring, further investigation, and sanctioning of such vendors. Criteria for identifying high-risk vendors shall include, but not be limited to, such considerations as participant complaints and the amount or frequency of suspected overcharges ~~((on))~~ or other improper handling of redeemed food instruments.

(2) The department shall conduct on-site monitoring visits to at least ten percent of authorized vendors per year. The department shall select the vendors on a representative basis, in order to survey the types and levels of abuse and errors among participating food vendors. Vendors shall take ~~((correction))~~ corrective action as directed by the department.

(3) The department shall submit a summary of the results of the monitoring of high-risk and representative food vendors and of the review of food instruments to USDA Food and Nutrition Service on an annual basis within four months after the end of the federal fiscal year.

(4) The department shall document the following for all on-site vendor monitoring visits:

(a) Names of ~~((both))~~ vendor ((and)), reviewer, and, except for compliance buys, persons interviewed;

(b) Date of review;

(c) Nature of problem or problems detected or observation that the food vendor appears to be in compliance with program requirements;

(d) How the food vendor plans to correct deficiencies detected; and

(e) Signature of reviewer.

(5) Methods of on-site monitoring visits include, but are not limited to:

(a) Compliance purchases;

(b) Review of cashier check-out procedures;

(c) Review of inventory records;

(d) Review of the availability ~~((and)),~~ prices, and expiration dates of authorized WIC foods; and

(e) Review of food instruments negotiated the day of the review.

(6) The department may conduct compliance purchases to collect evidence of improper vendor practices, or arrange for this responsibility to be assumed by the proper state or local authorities.

(7) The department shall establish procedures to document the handling of complaints by participants against food vendors. The department shall deal with complaints of civil rights discrimination in accordance with 7 CFR 246.8(b).

AMENDATORY SECTION (Amending Order 2638, filed 6/30/88)

WAC 388-19-035 FOOD VENDOR SANCTIONS. (1) The department may disqualify a food vendor for reasons of program abuse, and ~~((suspend))~~ terminate the vendor's participation in the WIC program for a specified period of time. At the end of the disqualification period, the vendor shall be required to reapply for authorization.

(2) Food vendors may be subject to sanctions in addition to, or in lieu of, disqualification, such as monetary claims for ~~((improper or overcharged))~~ improperly handled food instruments. Prior to disqualifying a food vendor, the department shall consider whether the disqualification would create undue hardships for WIC participants.

(3) The department shall set the period of disqualification from program participation at a minimum of one year and shall not exceed three years. The maximum period of disqualification shall be imposed only for flagrant or repeated program abuse. The department ~~((may, at its option;))~~ shall issue a warning letter documenting the infraction to the food vendor before a disqualification is imposed.

(4) The department shall disqualify a food vendor from the WIC program if that vendor is suspended or disqualified from another FNS program.

(5) The department shall recover funds due the WIC program and impose monetary ~~((fines))~~ sanctions of not less than one hundred dollars on food vendors for the offenses in subsection (5) of this section. The department shall deposit these funds into the WIC account in accordance with federal regulations.

Money shall be paid to the department within the time period specified in the notification of adverse action or the vendor shall be suspended from the WIC program for a period of at least one year. Offenses include:

(a) Providing cash, unauthorized food, nonfood items, or other items to WIC customers in lieu of or in addition to authorized WIC supplemental foods;

(b) Charging the WIC program for foods not received by the customer;

(c) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food item;

(d) Providing rain checks or ~~((other))~~ credit to customers in a WIC transaction;

(e) Charging WIC customers cash or giving change to customers in a WIC transaction; and

(f) Redeeming WIC checks without having authorization from the department.

Repeating any offense listed in subsection (5) of this section would subject a vendor to a one-year disqualification.

(6) A food vendor who fails to give the specified notice of a change in ownership, store name, and/or location shall be liable for resultant costs incurred by the WIC program. In addition, a food vendor who fails to furnish the state WIC office with written notice of a change in ownership ~~((prior to))~~ before the effective date of sale shall be subject to a monetary ~~((fine))~~ sanction of not less than one hundred dollars.

(7) A food vendor's failure to maintain a sufficient stock of WIC authorized foods or to follow the appropriate WIC check cashing procedure may result in a one-year disqualification.

(8) Food vendors who have willfully misapplied, stolen, or fraudulently obtained program funds shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than five years or both, if the value of the funds is one hundred dollars or more. If the value is less than one hundred dollars, the penalties are a fine of not more than one thousand dollars or imprisonment for not more than one year or both. The department shall refer these vendors to federal, state, or local authorities for prosecution under applicable statutes.

AMENDATORY SECTION (Amending Order 2681, filed 8/30/88)

WAC 388-19-045 WIC FOOD VENDOR—ADMINISTRATIVE REVIEW—CONTRACT DISPUTE RESOLUTION. (1) Administrative review.

(a) A food vendor whose application to participate in the WIC program is denied has the right to administrative review which is an informal meeting ~~((with))~~ between the department and the vendor to discuss the ~~((facts related to))~~ reasons for the denial. Contracted food vendors dissatisfied with department decisions affecting the vendor's participation also may request an administrative review.

(b) A request for an administrative review shall be in writing and:

(i) State the issue raised;

(ii) State the grounds for contesting the aggrieving department action;

(iii) State the law and allegations of fact on which the appeal relies;
 (iv) Contain the appellant's current address and telephone number, if any; and

(v) Have a copy of the adverse department notice attached.

(c) A request for an administrative review shall be made by personal service on the ((office)) division of parent-child health services headquarters office or by certified mail addressed to the ((Office)) Division of Parent-Child Health Services, Mail Stop LC-12C, Olympia, Washington 98504. The request shall be made within thirty days of the date the vendor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the ((office)) division of parent-child health services properly addressed and with no postage due.

(d) The ((chief, office)) director of the division of parent-child health services, or the ((chief)) director's designee, shall conduct the administrative review. The time limit for making the determination is thirty days from the date the request for an administrative review was received by the office. The time shall be extended by as many days as the vendor requests, assents to, or causes a delay in the proceedings.

(e) Administrative review is the sole administrative remedy the department offers a food vendor WIC contract applicant. Contracted food vendors dissatisfied with administrative review decisions may request a contract dispute resolution.

(2) Contract dispute resolution.

(a) A WIC food vendor who is disqualified from participating in the program or who is aggrieved by any other adverse action the department takes which affects participation, has the right to a dispute resolution. This shall not apply to a nonrenewal of the contract.

(b) A request for a dispute resolution shall be in writing and:

(i) State the issue raised;

(ii) State the grounds for contesting the aggrieving department action;

(iii) State the law and allegations of fact on which the appeal relies;

(iv) Contain the contractor's current address and telephone number, if any; and

(v) Have a copy of the adverse department notice attached.

(c) A request for a dispute resolution shall be made by personal service on the office of contracts management in Olympia or by certified mail addressed to the Office of Contracts Management, Mail Stop OB-22N, Olympia, Washington 98504. The request shall be made within thirty days of the date the contractor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of contracts management properly addressed and with no postage due.

(d) The time limit for making the determination is thirty days from the date the request for a dispute resolution was received by the office of contracts management. The time shall be extended by as many days as the contractor requests, assents to, or causes a delay in the proceedings.

(e) The contract dispute resolution is the sole administrative remedy the department offers a WIC contractor.

WSR 90-10-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed May 1, 1990, 3:31 p.m.]

Original Notice.

Title of Rule: WAC 388-49-190 Household concept.

Purpose: To clarify when separate household status can be established for elderly, permanently disabled persons unable to prepare meals.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Separate household status can be established for an elderly, permanently disabled person, unable to prepare meals, provided the person's spouse is

included in the household; and the income of others living with the person and the person's spouse does not exceed 165 percent of poverty level.

Reasons Supporting Proposal: This rule is necessary to implement 7 CFR 273.1 (a)(2)(ii).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, OB-31C.

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

Rule is necessary because of federal law, 7 CFR 273.1 (a)(2)(ii).

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, Washington, on June 5, 1990, 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 June 5, 1990.

Date of Intended Adoption: July 1, 1990.

May 1, 1990

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2770, filed 3/2/89)

WAC 388-49-190 HOUSEHOLD CONCEPT. (1) The department shall consider the following as households:

(a) A person ((who lives)) living alone;

(b) A person ((who lives)) living with others and ((who purchases)) purchasing and ((prepares)) preparing meals separate and apart from the others;

(c) A group of persons who live together and purchase and prepare meals together;

(d) A permanently disabled ((and)), elderly person unable to prepare meals((-)) provided the:

(i) ((The person must be living with others.

(ii) The)) Person's spouse shall be included in the household((-)); and

((iii)) (ii) ((The)) Income of ((the)) other ((household members)) individuals, except the person's spouse, ((cannot)) living with the person does not exceed one hundred sixty-five percent of the poverty level.

(e) A person who is the parent of a child ((under-18)) seventeen years of age or younger, along with that person's child and spouse, if the person and the person's child are:

(i) ((Residing)) Living with the person's parent or sibling, and

(ii) Purchasing and preparing meals separate from the parent or sibling.

(f) A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);

(g) A person living with ((his or her)) the person's natural, adoptive, or ((stepchildren)) stepchild, or ((such children)) the child living with parents when one parent is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals separate from the child.

(h) A person, living with a sibling, who is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals ((separately)) separate from the sibling.

(2) The department shall not grant separate household status to:

(a) ((Children under eighteen)) A child seventeen years of age or younger, and under parental control of a member of the household;

(b) ((Parents)) A parent living with ((their)) the parent's natural, adoptive, or ((stepchildren)) stepchild, or ((such children)) the child living with ((parents)) the parent unless ((they)) the child and parent

qualify as separate households ((~~per~~)) as described under WAC 388-49-190 (1)(~~d~~), (e), (f), or (g);

(c) A spouse of a household member;

(d) Siblings unless they qualify as separate households ((~~per~~)) as described under WAC 388-49-190 (1)(~~d~~), (e), (f), or (h);

(e) A boarder.

(3) The department shall consider the following persons ((~~residing~~)) living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

(a) Roomers,

(b) Live-in attendants, or

(c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons ((~~residing~~)) living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work registration requirements;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number;

(e) Persons who are ineligible students; or

(f) Persons who fail to sign the application attesting to their citizenship or alien status.

WSR 90-10-067
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 434—Filed May 1, 1990, 4:22 p.m.]

Date of Adoption: April 20, 1990.

Purpose: To allow the use of triploid (sterile) grass carp as an alternative method of control for nuisance levels of aquatic plants in Washington.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-017.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 90-06-084 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1990

John C. McGlenn

Chairman, Wildlife Commission

Signed by Ray Ryan

Deputy Director

per permission of

John C. McGlenn

AMENDATORY SECTION (Amending Order 247, filed 4/9/85)

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

(1) Walking catfish, *Clarias batrachus*

(2) Mongoose, all forms of the genus *Herpestes*

(3) Diploid Grass carp, *Ctenopharyngodon idella*

(4) African clawed frog, *Xenopus laevis*

(5) Wild boar, *Sus scrofa* and hybrids involving the species *Sus scrofa*

(6) Collared peccary (javelina), *Dicotyles tajacu*

It is unlawful to import or possess live specimens of deleterious exotic wildlife except for purposes of scientific research as authorized by the director.

WSR 90-10-068
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 435—Filed May 1, 1990, 4:23 p.m.]

Date of Adoption: April 20, 1990.

Purpose: To classify triploid (sterile) grass carp as a game fish to provide a mechanism for regulating harvest of triploid grass carp that have been planted for the purpose of controlling nuisance aquatic plants.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-019.

Statutory Authority for Adoption: RCW 77.12.020.

Pursuant to notice filed as WSR 90-06-085 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1990

John C. McGlenn

Chairman, Wildlife Commission

Signed by Ray Ryan

Deputy Director

per permission of

John C. McGlenn

AMENDATORY SECTION (Amending Order 320, filed 11/10/88)

WAC 232-12-019 CLASSIFICATION OF GAME FISH. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
<i>Salvelinus confluentus</i>	Bull Trout
<i>Esox lucius</i>	Northern Pike
and hybrids involving genus <i>Esox</i>	Tiger Muskellunge

Ctenopharyngodon idella Grass Carp

WSR 90-10-069
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 436—Filed May 1, 1990, 4:24 p.m.]

Date of Adoption: April 20, 1990.

Purpose: To prevent the harvest of grass carp that have been planted for the purpose of controlling nuisance aquatic plants.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-06-087 on March 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1990
 John C. McGlenn
 Chairman, Wildlife Commission
 Signed by Ray Ryan
 Deputy Director
 per permission of
 John C. McGlenn

NEW SECTION

WAC 232-28-61807 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - STATEWIDE. Notwithstanding the provisions of WAC 232-28-618, the following regulations apply to the game fish season for grass carp, statewide:

Grass Carp: Closed Season.

WSR 90-10-070
RULES COORDINATOR
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed May 1, 1990, 4:25 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Washington State School for the Deaf is Larry Drotz, 611 Grand Boulevard, S-26, Vancouver, WA 98661, phone (206) 696-6620, or 476-6620 scan.

Bonnie Y. Terada
 Assistant Attorney General

WSR 90-10-071
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS
 [Memorandum—May 1, 1990]

Notice of Public Meetings

DATE	TIME	PLACE
June 22, 1990	2:00 p.m.-5:00 p.m.	Farm Bureau Building 1011 10th Avenue S.E. Olympia, WA 98504
July 27, 1990	2:00 p.m.-5:00 p.m.	Farm Bureau Building 1011 10th Avenue S.E. Olympia, WA 98504
October 26, 1990	2:00 p.m.-5:00 p.m.	Farm Bureau Building 1011 10th Avenue S.E. Olympia, WA 98504

WSR 90-10-072
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed May 2, 1990, 9:20 a.m.]

Original Notice.

Title of Rule: Chapter 478-116 WAC, Parking and traffic regulations.

Purpose: To amend parking and traffic regulations.

Other Identifying Information: WAC 478-116-250.

Statutory Authority for Adoption: RCW 28B.10.300 and [28B.10].560.

Statute Being Implemented: RCW 28B.10.300 and [28B.10].560.

Summary: The amendment proposes changes in special event procedures.

Reasons Supporting Proposal: To respond to changed conditions.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Tallman Trask III, Executive Vice-President, 543-6410.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Enables parking division manager to define and justify special events, designate parking areas and establish event procedures excluding university football games.

Proposal Changes the Following Existing Rules: See rules shown below.

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

Hearing Location: Student Union Building (HUB) 106B, University of Washington, on June 6, 1990, at 11:30-1:00 p.m.

Submit Written Comments to: Melody Tereski, Rules Coordination Office, AF-50, University of Washington, Seattle, Washington 98195, by June 4, 1990.

Date of Intended Adoption: June 8, 1990.

April 30, 1990
 Tallman Trask III
 Executive Vice-President

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89)

WAC 478-116-250 SPECIAL PERMITS. (1) Temporary or part-time employees, maintenance and service personnel, persons serving the university without pay, and other visitors who must frequently visit the campus on university business, shall be issued parking permits at the regular annual or quarterly fee or at a rate based on the regular annual fee, subject to the approval of the manager of the parking division. Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to university employees or students.

(2) Complimentary drive-through permits may be issued to parents of young children registered in university sponsored programs. Drive-through permits do not include parking privileges.

(3) The manager of the parking division will assist university departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging for parking and the collection of parking fees. Such fees will be deposited in the parking fund.

(4) Self-sustaining university departments may requisition parking for their events in the same manner as they do other services furnished by the university and the parking fees collected will be deposited in the parking fund.

(5) Reserved parking areas may be assigned for use by the president, vice presidents, deans, department directors, or their equivalents. Additionally, reserved parking areas may be assigned for use by physically handicapped individuals where need and condition therefor are demonstrated to the manager of the parking division. The transportation officer is authorized to make exceptions to these restrictions if it is determined that such reserved status is required in the conduct of university business. Reserved parking area permits will be issued only by the manager of the parking division and upon payment of the prescribed fee. Such parking areas will be reserved usually between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

(6) Capital projects which use parking spaces for employee parking or construction staging may be assessed a charge based on their impact to parking revenues.

(7) The parking manager shall define, justify special events, designate parking areas and establish parking rates for special events, not including university football games. The rates shall be established with the advice of the advisory committee on transportation and shall be sufficient to ensure that the parking fund remains self-sustaining.

WSR 90-10-073

NOTICE OF PUBLIC MEETINGS BUILDING CODE COUNCIL

[Memorandum—May 2, 1990]

1990 Meeting Schedule*

February 9	9:00 a.m.	Sea-Tac
March 16	9:00 a.m.	Sea-Tac
April 20	9:00 a.m.	Sea-Tac
May 11	9:00 a.m.	Spokane
June 8	9:00 a.m.	Sea-Tac
July 13	9:00 a.m.	Sea-Tac
August 17	9:00 a.m.	Sea-Tac
September 21	9:00 a.m.	Spokane
October 12	9:00 a.m.	Sea-Tac
November 9	9:00 a.m.	Sea-Tac

Council Barrier-Free Committee meets the Friday prior to the regular council meetings at Sea-Tac at 9:00 a.m. The Energy Committee and the Uniform Codes Committee meet the Thursday before the regular council meetings at 1:00 p.m. at the same location as the council meetings.

* Council committee meeting schedule revised.

WSR 90-10-074

PERMANENT RULES DEPARTMENT OF GENERAL ADMINISTRATION (Division of Banking)

[Filed May 2, 1990, 11:10 a.m.]

Date of Adoption: May 2, 1990.

Purpose: These rules and regulations are intended to administer and interpret the provisions governing the authority of state-chartered commercial banks and trust companies to act as general insurance agents pursuant to the provisions in RCW 30.04.215(1), 30.08.140(10) and 30.08.150(3).

Statutory Authority for Adoption: RCW 30.04.030.

Pursuant to notice filed as WSR 89-24-063 on December 5, 1989.

Changes Other than Editing from Proposed to Adopted Version: The definition of "city" was changed to assure clarity. The word "general" in the phrase "general insurance agent" has been deleted to avoid ambiguity since "general insurance agent" is not defined in the rule but "insurance agent" is defined in the rule. The term branch in the definition of "located in a city" is changed to "full service branch" to avoid vagueness. The phrase "from an office in that city" is added to the first sentence

in WAC 50-12-350(1) for clarity. The phrase "Except as provided in these rules, or as otherwise provided by law" has been added to proposed WAC 50-12-340 to make certain that the exceptions in proposed WAC 50-12-350 apply to the general rule. The phrase "that are authorized to be engaged in by the bank or trust company" is added to proposed WAC 50-12-360 to clarify its meaning. The supervisor has determined that these changes do not alter the general subject matter of the proposed rule.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule:

Background: On December 5, 1989, the Supervisor of Banking, acting on a formal request of the Washington Bankers Association (WBA) pursuant to RCW 34.05-.330, filed a notice of proposed rule making (proposed rule) interpreting three provisions of the Revised Code of Washington (RCW) concerning the scope of insurance agency activities of state-chartered commercial banks. The three provisions were: The small town exception in RCW 30.08.140(10); the trust powers "agent for any purpose" provision in RCW 30.08.150(3); and the federal parity provision in RCW 30.04.215(1). The WBA asserted that "(a)s a result of the lack of undefined terms in the small town exception. . . and the 'agent for any purpose' provision. . . uncertainty regarding the scope of these provisions have become evident and pose severe anti-competitive consequences for both state chartered banks and Washington consumers." Letter from Mr. Keith S. Hopper, Staff Counsel, Washington Bankers Association, to Mr. Thomas H. Oldfield, Supervisor of Banking, dated October 23, 1989.

The Washington state banking statutes have for many years authorized banks to act as insurance agent under certain circumstances. However, the scope of this authority is uncertain. The proposed rule clarifies the scope of a bank or trust company's authority to conduct insurance agency activities. The small town exception authorizes a bank located in a city of less than 5,000 inhabitants to act as insurance agent. However, key terms and phrases regarding the scope of this activity are not defined in statute. The proposed rule defines these key terms and authorizes a bank to conduct insurance agency activities, subject to the limitations and requirements of the Washington insurance code, through a full service branch of the bank provided the branch is located in a city of less than 5,000 inhabitants. The proposed rule also interprets a provision in the trust powers statute authorizing a trust company to act as agent for any purpose. The plain meaning of the phrase "for any purpose" includes the authority to act as insurance agent. The proposed rule also interprets certain provisions of the federal parity statute, incorporating certain provisions of the Garn-St. Germain Depository Institutions Act of 1982, P.L. 97-320.

Public Comment: The supervisor invited public comment on the proposed rule. The supervisor has received thirty-five written comments regarding the proposed rule. A public hearing was conducted on January 9, 1990. Nineteen commentators expressed their views at the public hearing.

Those favoring the proposed rule asserted that the rule was procompetition, proconsumer and proequity. Commentators asserted that banks have the potential to be more efficient distributors of insurance than the traditional agency system because of a bank's branch network, advanced automation, and the ease of collecting premiums through preauthorized deductions from bank accounts. The commentators asserted that this greater efficiency results in better service levels at lower cost. Other commentators emphasized the fact that other depository institutions such as federal and state savings and loan associations, state savings banks, federal and state credit unions and national banks had already entered the market and that the proposed rule would only serve as a clarification of the conditions under which state chartered commercial banking institutions could enter the market. These commentators emphasized that no significant abuses of anti-competitive or consumer protection laws have occurred by financial institutions who are presently engaged in insurance agency activities. Finally, comments in the form of legal memoranda from counsel for banking companies and an informal opinion from the state Attorney General's Office supporting the supervisor's legal authority to administratively interpret the statutory provisions at issue in this proposed rule were received.

Those opposing the proposed rule supported the continued separation of insurance and banking. Commentators asserted that banks, which receive a vast majority of their operating funds from federally insured deposits, require special protection. They emphasized that the risks associated with the sale of insurance is great and the deposit insurance fund requires the protection afforded by prohibiting nonbanking related activities. Others were concerned about the possibility that banks may illegally tie credit arrangements to the sale of insurance products. Others were concerned about bankers' general lack of expertise regarding the state regulation of insurance sales. Others objected to the supervisor's legal authority to promulgate the proposed rule.

Significant Issues:

1. Is a bank "located in a city" if a full service certificated branch of the bank is operating within the city?
2. If the bank is located in a city by establishing a branch in the city, is the bank service area limited to that city?
3. Does a trust company's statutory authority to act as agent for any purpose include the authority to act as insurance agent?
4. Does clarification of the statutory provisions governing a state-chartered commercial bank or trust company's authority to conduct insurance agency activities facilitate the delivery of financial services to the citizens of the state of Washington?

Supervisory Findings:

ISSUE #1

1. Is a bank "located in a city" if a full service certificated branch of the bank is operating within the city?

Analysis:

- a. The terms "bank" and "branch bank" are defined in RCW 30.04.010. RCW 30.08.140 enumerates the

corporate powers of banks, one of which is to act as insurance agent if the bank is located in a city of less than 5,000 inhabitants. A branch bank derives its authority from a bank, and is an extension of the bank's corporate entity. As a general rule, banks exercise all their powers vested in RCW 30.08.140 through their branch network. There is no statutory basis to exclude the small town exception from this general rule.

b. The apparent legislative intent to allow insurance agency activities in small communities is advanced by the interpretations in the proposed rule. Two possible explanations linking insurance agency powers to small communities have been asserted: (1) provide for greater availability of walk-in insurance agencies in small communities; and (2) provide for greater availability of full banking services in small communities. If the legislature intended to make insurance agencies more available to small communities, the legislative intent is advanced by the proposed rule. The legislature may have wanted to encourage banks to deliver full banking services to small communities. To encourage this activity, the legislature created a means whereby banks could obtain additional revenue in the form of insurance agency revenue if it located in a small community. If the legislature intended to create an incentive for banks to deliver full banking services to small communities, the legislative intent is advanced by the proposed rule.

c. The Office of the Comptroller of the Currency has adopted an almost identical interpretation of a similar provision of federal banking law. See Comptroller Staff Interpretative Letter No. 366 (August 19, 1986).

Finding: The supervisor finds that a bank is located in a city if the bank is operating a full service certificated branch within the city.

ISSUE #2

2. If the bank is located in a city by establishing a branch in the city, is the bank service area limited to that city?

Analysis:

a. The statute is absolutely silent with respect to any limitations upon the persons or the locale to which it may extend its insurance services. This is true with respect to all banking powers granted by RCW 30.08.140. A bank having been granted a statutory power, exercises power without geographic limits or restrictions unless provided by statute. The only banking powers limited to the branch itself are the taking and accepting of deposits and cashing of checks. While there are statutory limitations upon the physical location of banking facilities, these limitations have no relevance whatsoever to the physical location of the customers of those facilities. In *Marquette National Bank v. First of Omaha Corp.*, 439 U.S. 299 (1978), for example, a Nebraska national bank vigorously solicited Minnesotans to become customers of its "loaning money" function by opening credit card accounts through the mail from the Nebraska bank. There was nothing wrong with doing so *per se*, even though it would have been unlawful for the Nebraska bank to be physically "located" in Minnesota. The practice of mail solicitation was not challenged. The only issue the United States Supreme Court was called upon to decide was

which of the two state usury laws was applicable to the loans in question. The provisions of the small town exception do not contemplate, nor should the supervisor infer, a geographic limitation on the bank's insurance agency service area.

b. Geographic limitations on activities may be specifically stated in a statute. Washington State Savings Banks may act as insurance agent under RCW 32.08.140(9) for the purposes of writing fire insurance on property in which the bank has an insurable interest, but only if the property is located in the city in which the bank is located or in a contiguous suburb. No such limiting language is contained in the small town exception. Geographic limitations set forth in a statute generally only restrict activities conducted pursuant to that particular statute. Notwithstanding the geographic limitations of RCW 32.08.140(9), savings banks have acted as agent for sale of fire and other casualty insurance without geographic limitation, through subsidiaries, pursuant to RCW 32.20.380.

Finding: The supervisor finds that if a bank maintains a full service branch in a city of less than 5,000 inhabitants, the bank's insurance agency service area is not limited to that city.

ISSUE #3

3. Does a trust company's statutory authority to act as agent for any purpose include the authority to act as insurance agent?

Analysis:

a. The proposed interpretation of the trust powers provision authorizing a trust company to act as agent for any purpose to include acting as an insurance agent is a reasonable interpretation of the literal language of RCW 30.08.150(3). As with the small town exception, the trust powers provision does not contain any limiting language concerning types of agency relationships.

b. The proposed interpretation is consistent with past interpretations from the state of Washington. By letter signed by deputy commissioner of the insurance department, Mr. F.T. Houghton and dated April 19, 1935, the then Insurance Commissioner, William A. Sullivan, in consultation with the then Supervisor of Banking, Mr. Hanson, ruled in favor of Seattle Trust and Savings Bank's (a Title 30 RCW commercial bank) application to renew its insurance license. The statutes and authorities which were the basis for the favorable determination in 1935 are, based on the supervisor's research, the same that currently apply and were a result of Seattle Trust's status as a trust company and its authority to act as agent for any purpose. This authority remains codified in RCW 30.08.150(3).

c. The proposed interpretation is very similar to an interpretation adopted by the Missouri Attorney General in connection with an almost identical provision of Missouri statute. That interpretation has stood without challenge for more than fifty years. See Missouri Attorney General Opinion, April 9, 1936.

d. The terms "trust company" and "trust business" are defined in RCW 30.04.010. A trust company is a company engaged in "any or all" of the trust business areas specified in RCW 30.08.150. For a trust company

to qualify for this exception to engage in insurance agency activities, the trust company must be engaged in a bona fide trust business by engaging in at least some of the activities of a trust business. Therefore, a bank or trust company merely possessing trust powers does not qualify for the exception. The point at which an entity with trust powers becomes a trust company depends upon the circumstances in each case.

Finding: The supervisor finds that a trust company's statutory authority to act as agent for any purpose includes the authority to act as insurance agent.

ISSUE #4

4. Does clarification of the statutory provisions governing a state-chartered commercial bank or trust company's authority to conduct insurance agency activities facilitate the delivery of financial services to the citizens of the state of Washington?

Analysis:

a. The supervisor's statutory authority to administer and interpret the banking laws of this state are broad. The legislature requires the supervisor to "facilitate the delivery of financial services to the citizens of the state of Washington by the banks and trust companies subject to this title." See RCW 30.04.030. It is noted that in 1986 the legislature amended this provision by substituting the word "banking" with "financial" in the phrase "facilitate the delivery of banking services." The term financial services was selected because it more accurately describes the evolving nature of the banking business. It recognized the continuing amalgamation of all financial services markets, including banking and insurance.

b. The supervisor believes promulgation of the proposed rule is in the public interest. Banks can be efficient distributors of insurance. The proposed rule, therefore, will have the effect of facilitating the delivery of financial services to the citizens of the state of Washington. The supervisor is aware of the concern raised by some commentators regarding illegal tie-in arrangements or other potentials for violations of consumer protection or anti-competitive laws. However, the supervisor is also aware of the fact that other deposit-taking financial institutions are engaged in insurance agency activities. To the supervisor's knowledge, no significant violations of law have arisen concerning the activities of these institutions in the state of Washington. There is no factual basis to support the conclusion that state-chartered commercial banks would engage in such hypothetical abuses. However, the rule does provide cease and desist authority to the supervisor should any violation of a federal or state anti-competitive or consumer protection law occur. In addition, the rule does not preempt any authority the Insurance Commissioner possesses under the insurance code regarding regulatory enforcement.

c. The Federal Deposit Insurance Corporation, the federal agency that insures all deposit-taking institutions under the jurisdiction of the supervisor, has interposed no objection to financial institutions engaging in insurance agency activities. Thus, it appears that the FDIC does not consider such activities a significant threat to the insurance fund. Furthermore, staff at the Federal Reserve Board have conducted studies concerning the

performance of nonbank subsidiaries and have found that insurance agency activities provide a higher return on assets compared to other nonbank subsidiaries. Liang and Savage, *New Data on the Performance of Nonbank Subsidiaries of Bank Holding Companies*, 76 F.R.B 120 (1990). Therefore, it appears that the commentators concerns regarding safety and soundness issues are not well founded.

Finding: The supervisor finds that clarification of the statutory provisions governing a state-chartered commercial bank or trust company's authority to conduct insurance agency activities facilitates the delivery of financial services to the citizens of the state of Washington.

Effective Date of Rule: Thirty-one days after filing.

May 2, 1990

Thomas H. Oldfield
Supervisor of Banking

NEW SECTION

WAC 50-12-310 INSURANCE AGENCY ACTIVITIES—PROMULGATION. The division of banking, after due and proper notice, and pursuant to the general rule-making authority in RCW 30.04.030 hereby adopts and promulgates the following rules and regulations.

NEW SECTION

WAC 50-12-320 INSURANCE AGENCY ACTIVITIES—PURPOSE. These rules and regulations are intended to administer and interpret the provisions governing the authority of state-chartered commercial banks and trust companies to act as insurance agents pursuant to the provisions in RCW 30.04.215(1), 30.08.140(10), and 30.08.150(3).

NEW SECTION

WAC 50-12-330 INSURANCE AGENCY ACTIVITIES—DEFINITIONS. (1) "Bank" means a bank chartered under the provisions of Title 30 RCW.

(2) "Trust company" means a trust company chartered under the provisions of Title 30 RCW.

(3) "Insurance agent" means any person, including a bank, appointed by an insurer to solicit applications for insurance on its behalf and conduct such other activities and be subject to such restrictions of an insurance agent as authorized by the Washington insurance code, Title 48 RCW.

(4) "City" means a city whose boundaries and powers of self-government are defined by Title 35 or 35A RCW.

(5) "Located in a city" means operating a duly certificated full service branch within the city limits of the city.

(6) "Act as insurance agent" means to exercise the full power of an insurance agent on all lines of insurance subject only to the limitations and requirements of Title 48 RCW.

NEW SECTION

WAC 50-12-340 INSURANCE AGENCY ACTIVITIES—GENERAL RULE. Except as provided in these rules, or as otherwise provided by law, a bank may not act as insurance agent.

NEW SECTION

WAC 50-12-350 INSURANCE AGENCY ACTIVITIES—EXCEPTIONS. (1) A bank located in a city of not more than five thousand inhabitants may act as insurance agent from an office in that city. A bank exercising this power may continue to act as insurance agent notwithstanding a change of the population of the city in which it is located.

(2) A trust company may act as an insurance agent pursuant to its powers under RCW 30.08.150(3) "to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise."

(3) A bank may engage in insurance activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of June 11, 1986. These activities include, but are not limited to:

(a) General insurance agency activities conducted by a bank with total assets of fifty million dollars or less, provided, however, that such bank may not engage in the sale of life insurance or annuities. For purposes of this exception "total assets" is determined by the latest consolidated report of condition filed with the supervisor of banking. This exception ceases when the value of the assets of the bank exceed fifty million dollars. The insurance agency license must be surrendered and the assets sold or otherwise disposed of within three years unless otherwise extended by the supervisor of banking.

(b) A bank may act as agent for life, disability, and involuntary unemployment insurance if the insurance is limited to assuring the repayment of the outstanding balance due on a specific extension of credit by the bank.

(c) A bank may act as agent for property insurance on loan collateral, provided such insurance is limited to assuring repayment of the outstanding balance of the extension of credit and such extension of credit is not more than ten thousand dollars (twenty-five thousand dollars to finance the purchase of a residential manufactured home and which is secured by such home) increased by the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published monthly by the Bureau of Labor Statistics for the period beginning on January 1, 1982, and ending on December 31 of the year preceding the year of the extension of credit.

(4) A bank or trust company may engage in any insurance agency activity lawfully engaged in by national banks located in the state of Washington.

NEW SECTION

WAC 50-12-360 INSURANCE AGENCY ACTIVITIES—SUBSIDIARY. A bank or trust company may conduct insurance agency activities that are authorized to be engaged in by the bank or trust company

through a subsidiary of the bank or trust company as authorized by RCW 30.04.125(8).

NEW SECTION

WAC 50-12-370 INSURANCE AGENCY ACTIVITIES—ENFORCEMENT. It shall be considered an unsafe and unsound practice in conducting the affairs of the bank or trust company if in the opinion of the supervisor the insurance agency activities of the bank or bank subsidiary are:

- (1) A violation of any applicable state or federal consumer protection law; or
- (2) A violation of any applicable state or federal statute prohibiting anticompetitive activities.

WSR 90-10-075
PROPOSED RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)
 [Filed May 2, 1990, 1:54 p.m.]

Original Notice.

Title of Rule: New section WAC 308-124H-800 Part D real estate course, school, and instructor approval fees; and amending WAC 308-124C-020 (2)(e) Required records.

Purpose: WAC 308-124H-800, to identify the fee schedule for new real estate education approval rules; and WAC 308-124C-020, to specify the location of maintaining required records.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040 and 18.85.310.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, P.O. Box 9012, Olympia, WA 98504, (206) 753-0775.

Name of Proponent: Department of Licensing, Real Estate Commission, 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: Adds fee schedule for real estate education approval process and requires that all records be maintained in one location for auditing purposes.

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

Hearing Location: Cavanaugh's Inn, Number 1101 Columbia Center Boulevard, Kennewick, WA 99336, on June 19, 1990, at 9:00 a.m.

Submit Written Comments to: Robert Mitchell, P.O. Box 9012, Olympia, WA 98504, by 5:00 p.m., June 15, 1990.

Date of Intended Adoption: June 19, 1990.

April 27, 1990
 Linda M. Moran
 Assistant Attorney General

NEW SECTION

WAC 308-124H-800 PART D REAL ESTATE COURSE, SCHOOL AND INSTRUCTOR APPROVAL FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

<u>Title of Fee</u>	<u>Fee</u>
Application of reapplication for course approval	150.00
Application or reapplication for school approval	250.00
Application or reapplication for instructor approval	120.00

AMENDATORY SECTION (Amending Order 138R, filed 2/21/86)

WAC 308-124C-020 REQUIRED RECORDS. The minimum real estate records the real estate broker shall be required to keep are as follows:

- (1) Bank trust account records:
 - (a) Duplicate receipt book or cash receipts journal recording all receipts;
 - (b) Prenumbered checks with check register, cash disbursements journal or check stubs;
 - (c) Validated duplicate bank deposit slips;
 - (d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;
 - (e) In conjunction with (d) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;
 - (f) Reconciled bank statements and canceled checks for all trust bank accounts.
- (2) Other records:
 - (a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;
 - (b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm;
 - (c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: PROVIDED, That a source document is maintained at the brokers office which contains the name and address of the tenant; address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held; and any modification of the terms of the original lease document;
 - (d) The original lease document may be maintained at a branch office: PROVIDED, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager.
 - (e) All records required to be kept by this section shall be maintained at one location, except as provided in subsections (2)(c) and (d) above. The one location of the required records may be the main real estate office or any branch of the real estate office as licensed.

WSR 90-10-076
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed May 2, 1990, 1:58 p.m.]

Original Notice.

Title of Rule: Chapter 204-30 WAC, Sunscreen tint film decals.

Purpose: To establish standards for sunscreen tint film decals.

Statutory Authority for Adoption: Chapter 95, Laws of 1990.

Statute Being Implemented: Chapter 95, Laws of 1990.

Summary: Establishes the physical and content requirements of sunscreen tint film decals.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lt. L. E. Klewin, General Administration Building, AX-12, Olympia, 98504, 753-0347.

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: Sunscreen tint film decals. To establish standards for sunscreen tint film decals. Establishes the physical and content requirements of sunscreen tint film decals.

Proposal does not change existing rules.

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

Hearing Location: Washington State Patrol, Supply Facility Conference Room, 4242 Martin Way, Olympia, WA 98504, on June 13, 1990, at 9:00 a.m.

Submit Written Comments to: Lt. L. E. Klewin, ESR Section, AX-12, Olympia, 98504, by June 13, 1990.

Date of Intended Adoption: June 18, 1990.

May 2, 1990
George B. Tellevik
Chief

Chapter 204-30 WAC
SUNSCREEN TINT FILM DECALS

NEW SECTION

WAC 204-30-010 AUTHORITY. This chapter is promulgated pursuant to chapter 95, Laws of 1990.

NEW SECTION

WAC 204-30-020 PURPOSE. The purpose of this chapter is to establish standards for window tint decals that are required for vehicles equipped with film sunscreen materials.

NEW SECTION

WAC 204-30-030 SCOPE. The standards established by this chapter apply to all film sunscreen decals installed pursuant to chapter 95, Laws of 1990.

NEW SECTION

WAC 204-30-040 DEFINITIONS. (1) Decal. A label, provided by film sunscreen manufacturers, that indicates the percentage of light transmission and light reflectance of the sunscreen film installed on a vehicle.

(2) Installer. A person, who for personal or commercial purposes, installs sunscreen film on one or more windows of a motor vehicle.

NEW SECTION

WAC 204-30-050 DECAL MATERIAL, DIMENSIONS AND CHARACTERISTICS. Sunscreen film decals shall be one and one-half inches high and two inches long and shall be made of a durable material that will withstand the weather and wear expected for motor vehicle driver's door striker posts. The "punch-out dots" shall be perforated for easy removal with a pencil point or other sharp object.

NEW SECTION

WAC 204-30-060 DECAL INFORMATION REQUIREMENTS. Sunscreen film decals shall indicate the make and model of

film, the percentage of light transmission and light reflectance. Additionally, the decal shall have small "punch-out dots" to record the specific windows in the vehicle that the tint film has been installed on. The dot system shall be as follows:

FRONT - W R L (W=WINDSHIELD, R=RIGHT SIDE, L=LEFT SIDE)
REAR - R L B (R=RIGHT SIDE, L=LEFT SIDE, B=BACK)

NEW SECTION

WAC 204-30-070 DECAL MOUNTING REQUIREMENTS. (1) The decal or decals shall be mounted on the driver's door striker post below the door latch.

(2) A separate decal shall be mounted as described above for each type of film material installed on a vehicle.

(3) In the event that a decal is destroyed or the information on it is obliterated it shall be removed and replaced.

NEW SECTION

WAC 204-30-080 TINT MANUFACTURER REQUIREMENTS. The tint manufacturer shall, no later than October 1, 1990, make available a supply of decals for each model of tint manufactured to all wholesale and retail outlets where it is or has been sold. Owners of motor vehicles with the model tint installed shall be provided the decals without cost. The manufacturer shall also ensure that instructions for correct decal application are provided.

WSR 90-10-077
PROPOSED RULES
UTILITIES AND
TRANSPORTATION COMMISSION
[Filed May 2, 1990, 2:10 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-30-010, 480-30-020, 480-30-030, 480-30-050, 480-30-060, 480-30-070, 480-30-100, 480-30-110, 480-40-010, 480-40-020, 480-40-030, 480-40-040, 480-40-050, 480-40-060, 480-40-070, 480-40-075, 480-40-110, 480-40-120, 480-40-130, 480-149-060 and 480-149-120; and repealing 480-149-070, relating to the placement of excursion services under the same regulations as charter buses. The proposed sections are shown below as Appendix A, Docket No. T-900076. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments and repeal on economic values pursuant to chapter 43-21H RCW.

Purpose: To remove excursion services from regulation as auto transportation companies and place excursion services under the same regulations as charter buses.

Statutory Authority for Adoption: RCW 80.04.040(4) and 81.70.270.

Statute Being Implemented: RCW 81.68.010, [81.68].015, [81.68].020, [81.68].030, [81.68].060, 81.70.020, [81.70].220, [81.70].250, [81.70].260, [81.70].270, [81.70].280, [81.70].290, [81.70].320, [81.70].330, [81.70].340 and [81.70].350.

Summary: Provide for the transfer of regulation of excursion services as auto transportation companies to regulation as charter buses.

Reasons Supporting Proposal: Excursion services have been regulated as auto transportation companies. However, their method of operation is similar to a charter bus operation and it is in the best interest of the industry

to place excursion services under the same regulations as charter buses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Transportation 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: Excursion services transport persons, for individual fares, on public highways from point of origin to another point in the state and return to the origin, without picking up or dropping off passengers along the way. This service mirrors a charter bus service and does not belong under regulation as an auto transportation company. Hence, excursion service will now be under the same regulations as charter buses. As such there will be no rate-making authority exercised by the commission. The entry standard is changed from public convenience and necessity to fit, willing, and able for intrastate excursion service. In addition, intrastate excursion carriers are subject to the commission driver qualification and safety provisions, insurance provisions, and payment of the annual regulatory fee. Interstate and foreign excursion carriers with ICC authority are required to register and pay a one-time registration fee. Also, an interstate excursion carrier that qualifies as a self-insurer with the ICC is exempt from commission excursion requirements as long as the ICC qualification remains in effect.

Proposal Changes the Following Existing Rules: These changes delete excursion services from regulation as auto transportation companies and regulate them the same as charter buses.

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

An economic impact statement is required if the proposed rules affect more than ten percent of any industry within a three-digit standard industrial classification code. The transportation of passengers using excursion service is classified within industry group 414 - Bus Charter Service. Within this classification there are approximately 160 intrastate bus charter carriers. There are 18 carriers that have excursion service authority. Of those carriers, nine are not affected by the proposed rule since they already operate under charter party rules which are the same as the proposed rules. The other nine carriers having exclusive excursion service authority are affected by the proposed rules and represent about five percent of the businesses within the industry classification.

Therefore, a detailed economic assessment is not required since the businesses affected represent less than ten percent of the total businesses within the industry classification.

The nine carriers which provide excursion-only service presently have insurance coverage for property and liability damage of \$750,000 per vehicle. These vehicles have a seating capacity of 17 or more and the average cost of insurance is approximately \$5,777 on an annual basis. Only one or two of the nine carriers affected by the proposed insurance requirements have more than one bus. The proposed immediate additional insurance requirement of \$2.5 million for vehicles with seating capacity of 17 or more would cost approximately \$1,754 more per year.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on June 6, 1990, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by May 28, 1990.

Date of Intended Adoption: June 6, 1990.

May 2, 1990
Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate authorized to be issued to an auto transportation company (~~or an excursion service company~~) for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(9) (~~"Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.~~)

(10) ~~"Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.~~

~~((H)) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" ((or "excursion service company")) as defined in RCW 81.68.010.~~

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company ((or excursion service company)) certificated under chapter 81.68 RCW.

~~((+2)) (10) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.~~

~~((+3)) (11) The term "elderly" shall mean any person sixty years of age or older.~~

~~((+4)) (12) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.~~

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-020 LICENSES, AND RULES AND REGULATIONS. No motor vehicle may be operated upon the public highways of this state by any auto transportation company ((or excursion service company)) until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES ((AND EXCURSION SERVICE COMPANIES)). (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

~~(2) ((No excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public interest. PROVIDED, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to~~

~~the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection ((+2)) of this section.~~

~~((3)) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.~~

~~((+4)) (3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.~~

~~((+5)) (4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.~~

~~((+6)) (5) Every auto transportation company ((and excursion service company)) shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.~~

~~((+7)) (6) All auto transportation companies and excursion service companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:~~

- ~~(a) Description of each vehicle used;~~
- ~~(b) Number of trips and to what points each of said vehicles was operated;~~
- ~~(c) Drivers' time sheets for each day's employment;~~
- ~~(d) Copies of all accident reports.~~

~~((+8)) (7) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.~~

~~((+9)) (8) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ((+10)) (9) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.~~

~~((+10)) (9) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ((+2)) (11) of this section.~~

~~((+11)) (10) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ((+2)) (11) of this section.~~

~~((+2)) (11) Miscellaneous fees:~~

Application for certificate	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of a duplicate certificate	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

~~((+3)) (12) All applications for the issuance of a duplicate certification must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.~~

~~((+4)) (13) Whenever an order is entered by the commission revoking a previous order granting a certificate, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.~~

((+5)) (14) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-283, Cause No. T-2118, filed 12/23/87)

WAC 480-30-050 TARIFF, NAMING RATES AND FARES. (1) Every auto transportation company ((and excursion service company)) shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies ((and excursion service companies)) shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company ((or excursion service company)) shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

AMENDATORY SECTION (Amending Order R-283, Cause No. T-2118, filed 12/23/87)

WAC 480-30-060 SCHEDULE OF TIME AND ROUTE. (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows: 1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be

shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

- (3) Time schedules must show: 1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI. 2nd. The time of DEPARTURE from intermediate points between termini. 3rd. The distance between all points shown in the schedule. 4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2 Cancels Time Schedule No. 1 TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere Issued June 8, 1967 Effective June 10, 1967 Authority M. V. L. S. N. No. 400 Dated June 8, 1967

WESTBOUND Table with columns: Mileage, From Wenatchee to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include: 0.0 Wenatchee, 2.7 Wenatchee River Bridge, 3.3 Olds Corner, 4.4 Sunnyslope Bridge, 6.0 Burkeys Corner, 8.1 Monitor P. O., 9.3 Red Bridge, 12.5 Cashmere.

EASTBOUND Table with columns: Mileage, From Cashmere to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include: 0.0 Cashmere, 3.1 Red Bridge, 4.4 Monitor P. O., 6.3 Burkeys Corner, 8.1 Sunnyslope Bridge, 9.2 Olds Corner, 12.5 Wenatchee.

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only. Time Schedule No. 2 Cancels Time Schedule No. 1

TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: Highway through Monitor to Terminal at Cashmere Issued June 8, 1967 Effective June 23, 1967 Authority M. V. L. S. N. No. 400 Dated June 8, 1967

Table with columns: Leave Wenatchee Read Down (Daily, Sunday Only, Daily Ex. Sun., Mileage) and Leave Cashmere Read Up (Daily, Sunday Only, Daily Ex. Sun.). Rows include: Lv. 11:00, 11:08, 11:09, 11:12, 11:16, 11:23, 11:29, Ar. 11:40.

Explanatory notes: (5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to. (6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No., dated"

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

((10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules.))

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-070 LIABILITY AND PROPERTY DAMAGE INSURANCE OR SURETY BOND. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

- For any recovery of personal injury by one person—\$100,000;
- For all persons receiving personal injury by reason of at least one act of negligence:
 - Vehicles having capacity of 16 passengers or less—\$300,000,
 - Vehicles having capacity of 17 or more passengers—\$500,000,
 - For damage to property of any person other than the assured—\$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we of the City of, State of Washington, as principal, and, a corporation organized and existing under and by virtue of the Laws of, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this day of 19

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company ((~~or excursion service company~~)) (principal herein) under and by virtue of its certificate granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

- For any recovery for personal injury by one person—\$100,000;
- For all persons receiving personal injury by reason of at least one act of negligence:
 - Vehicles having capacity of 16 passengers or less—\$300,000,
 - Vehicles having capacity of 17 or more passengers—\$500,000,
 - For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal
.....
.....
Surety

AMENDATORY SECTION (Amending Order R-295 [R-315], Cause No. TV-2225 [Docket No. TV-2285], filed 2/23/89 [2/27/90])

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to

the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies (~~(or excursion service companies)~~) operating under chapter 81.68 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on October 1, 1988, are adopted and prescribed by the commission to be observed by all auto transportation companies (~~(or excursion service companies)~~) operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company (~~(or excursion service company)~~) operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies (~~(and excursion service companies)~~) shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated

by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company (~~(or excursion service company)~~) operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies (~~(or excursion service companies)~~) transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

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 bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-110 FEES AND GROSS OPERATING REVENUE. (1) Auto transportation companies (~~(or excursion service companies)~~) shall, between the first and fifteenth days of January, April, July and October of each year file with the commission a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. EXCEPTION: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its FIXED CAPITAL ACCOUNTS.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It

must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **FIXED CAPITAL ACCOUNTS** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used **EXCLUSIVELY** in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are **OWNED** by the reporting company.

D—Rentals received from other transportation companies for the right to use stations **OWNED** by the reporting company, used in its auto transportation operations and included in the **FIXED CAPITAL ACCOUNTS** thereof.

E—Revenue received from advertising in stations and cars.

The intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) ~~((The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.~~

(4)) Nonoperating revenue: Is that revenue received as a return on property **OWNED** by the reporting company, the value of which is not included in the **FIXED CAPITAL ACCOUNTS** of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the **FIXED CAPITAL ACCOUNTS** of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the **FIXED CAPITAL ACCOUNTS** of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-010 **DEFINITIONS.** (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these regulations, be given the meaning hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.

(5) "Public highway" includes every public street, road or highway in this state.

(6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.

(7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(8) Subject to the exclusion of subsection (10) of this section, "excursion service carrier" means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(9) "Area" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(10) This chapter does not apply to:

(a) Persons operating motor vehicles wholly within the limits of incorporated cities;

(b) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, when operated as such;

(c) Passenger vehicles carrying passengers on a noncommercial enterprise basis;

(d) Operators of charter boats operating on waters within or bordering this state.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-020 **LICENSES.** No motor vehicle shall be operated upon the public highways of this state by any charter party carrier or excursion service carrier of passengers until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-030 **CERTIFICATES.** (1) No person may operate, establish, or engage in the business of a charter party carrier or excursion service carrier of persons over any public highway in this state, without first having obtained a certificate from the commission or having registered as an interstate carrier.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5)(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by filing fee named in subsection (7) of this section.

(b) No charter party or excursion service carrier certificate or right to conduct any of the service therein authorized shall be leased, assigned or otherwise transferred except in its entirety unless the portion

thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(6)(a) All applications for original certificates (including extensions of certificates), shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection (7) of this section.

(b) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and to conform to the provisions of the laws governing charter party carriers or excursion service carriers of passengers and the rules and regulations of the commission.

(c) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(7) Miscellaneous fees:

Original application for certificate	\$150.00
Application for extension of certificate	150.00
Application to lease, assign, or otherwise transfer or encumber a certificate	150.00
Application for issuance of duplicate certificate	5.00

(8) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(9) The commission may cancel, revoke, or suspend any certificate issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 81.70 RCW;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing charter party carriers or excursion service carriers of passengers;

(c) Failure of a charter party carrier or excursion service carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a charter party carrier or excursion service carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(10) After the cancellation or revocation of a certificate or interstate registration, or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier.

(11) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

(12) Remittances shall be made by money order, bank draft, or check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-040 LIABILITY AND PROPERTY DAMAGE INSURANCE. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission, evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

CHARTER PARTY CARRIER OF PASSENGERS

	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$100,000	\$ 100,000	\$ 100,000	\$ 100,000

CHARTER PARTY CARRIER OF PASSENGERS

	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$500,000	\$ 2,500,000	\$ 1,000,000	\$ 5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

EXCURSION SERVICE COMPANY

	Effective 5/1/90	Effective 5/1/90	Effective 6/1/92	Effective 6/1/92
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$100,000	\$ 100,000	\$ 100,000	\$ 100,000
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$500,000	\$ 2,500,000	\$ 1,000,000	\$ 5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to charter party carriers or excursion service carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-050 SELF INSURANCE. (1) Every charter party carrier or excursion service carrier of passengers which qualifies as a self-insurer under the provisions as set forth in ((section 9, chapter 30, Laws of 1988;)) RCW 81.70.290 may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: PROVIDED, HOWEVER, That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier or excursion service carrier qualified and acting under the self-insurer provisions of (~~section 9, chapter 30, Laws of 1988~~) RCW 81.70.290, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1).

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-060 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible at a distance of at least fifty feet, the number of the certificate under which such vehicle is being operated (~~preceded by the letters W.U.T.C.~~). Thus:

(~~W.U.T.C.~~
~~CH.....~~)
CH ES

In the event a certificate is revoked or cancelled or the equipment sold the carrier shall immediately remove its certificate number from its vehicles.

(3) Motor vehicles used in the transportation of passengers shall have displayed thereon the company name and number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible.

(4) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW except:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1988, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier or excursion service carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence

of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-075 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 390.17, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on January 1, 1988, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-110 REGISTERED CARRIERS. (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "CH(:)" for charter or "ES" for excursion. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as part 1023 of Title 49, Code of Federal Regulations.

(3) Registered carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-120 REGISTRATION OF INTERSTATE AUTHORITY. (1) It shall be unlawful for any charter party carrier or excursion service carrier of passengers to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the commission.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for charter party carriers or

excursion service carriers of passengers who have not previously filed currently effective applications for such registration.

AMENDATORY SECTION (Amending Order R-289, Cause No. TCH-2189, filed 8/26/88)

WAC 480-40-130 IDENTIFICATION CARDS. (1) No motor vehicle operated by a charter party carrier or excursion service carrier of passengers upon the highways of this state shall be so operated without having available within the vehicle a valid identification card properly signed and with appropriate stamp affixed or equivalent thereof. Such identification card shall be subject to inspection by the commission's representatives at all times.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee. The cost of the stamp shall be three dollars.

(3) The annual regulatory fee shall be ((seven dollars per vehicle. Under section 15, chapter 30, Laws of 1988, the annual regulatory fee shall be)) established by general order of the commission but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each charter party carrier and excursion service carrier holding a certificate and from each interstate or foreign carrier subject to chapter 81.70 RCW.

(4) In lieu of the payment of a full regulatory fee for each vehicle operated upon the public highways of the state of Washington, the regulatory fee may, at the request of the carrier, be paid on the basis of the following option:

Lump sum regulatory fee payment. Carriers who operate fleets in excess of fifty motor power vehicles upon the public highways of the state of Washington may elect to pay a lump sum regulatory fee based on the number of vehicles operated during the previous year, at the regulatory fee established by general order of the commission (~~entered before November 1st of any year~~).

(5) Charter party carriers or excursion service carriers of passengers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may, as an alternative to all other requirements of this chapter, obtain a single trip transit permit, valid for ten days authorizing one trip, entering or across the state. This permit will be issued upon payment of a fee of ten dollars. The carrier must provide the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-40-040.

(6) No refund will be made on unused stamps.

(7) Any "lost stamps" will be replaced only at full stamp and regulatory fee: PROVIDED, HOWEVER, That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(8) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification card cards to satisfy its requirements.

(9) All identification card cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However, a stamp may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

(10) An identification card card may be reassigned to a substitute vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-149-060 PASSENGER TARIFFS. Passenger tariffs shall contain:

(1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies (~~and excursion service companies~~;) must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to

intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

AMENDATORY SECTION (Amending Order R-285, Cause No. TG-2146, filed 4/4/88)

WAC 480-149-120 NOTICE REQUIRED. (1) Unless two copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

~~((c) Excursion passenger tariffs as provided for in WAC 480-149-070(+).))~~

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in this section. Application for such authority must be on a form supplied by the commission. On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number of (date), or by authority of Rule W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No.

(5) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal of garbage, refuse, and debris, such carrier shall at the same time, or prior thereto, notify affected customers that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on a particular date. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase

may express that opposition in writing to reach the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002 not later than fourteen days from the date of the notice. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-149-070 EXCURSION SERVICE COMPANY AND TEMPORARILY REDUCED ONE-WAY TARIFFS.

**WSR 90-10-078
PROPOSED RULES
UTILITIES AND
TRANSPORTATION COMMISSION**

[Filed May 2, 1990, 2:11 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-110-021, 480-110-026, 480-110-046 and 480-110-066; and adopting 480-110-028, relating to water companies. The proposed sections are shown below as Appendix A, Docket No. UW-900081. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed sections on economic values, pursuant to chapter 43.21H RCW.

Purpose: Clarifies existing rules.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Sections of chapter 80.28 RCW relating to water companies.

Summary: Clarifies difference between an applicant for service and a customer; requires companies to file within thirty days a change in service area; and establishes that fire flow and distribution extensions will either be tarified or the contracts will be filed for commission approval.

Reasons Supporting Proposal: Existing rule must be clarified because utilities are not keeping their maps current and there is misunderstanding on the requirement for companies to file with the commission for approval contracts with applicants for service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and Utilities 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: See Summary above.

Proposal Changes the Following Existing Rules: Proposal clarifies existing rules.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on June 6, 1990, at 9:00.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by May 28, 1990.

Date of Intended Adoption: June 6, 1990.

May 2, 1990

Paul Curl

Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-021 GLOSSARY. (1) Commission - the Washington utilities and transportation commission.

(2) Utility - any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission.

(3) Applicant - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who has completed an application for a distribution extension, but has not requested water service.

(4) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application ((to any utility)) for water service and that application has been accepted by the utility.

((+)) (5) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation, and in accordance with WAC 480-110-161, frequency of periodic test.

(b) Complaint test - a test made as a result of a request by a customer, and in accordance with WAC 480-110-151, complaint meter test.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the water industry.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-026 TARIFFS. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC utilities general - tariffs.

The effective tariff of each utility shall contain a description by metes and bounds or a detailed map (maps are preferred) of the commission service area which it is dedicated to serve by reason thereof. ((Said description or map shall be kept current.)) After a contract is approved by the commission for a service connection or a distribution extension outside of the commission service area, the description or map on file with the commission shall be amended within thirty days of the effective date of the contract.

All other service area changes, such as an acquisition of a new service area, shall be filed with the commission within thirty days to keep the service area description or maps current.

NEW SECTION

WAC 480-110-028 FIRE FLOW REQUIREMENTS. The provision of sufficient capacity and pressure to meet "fire flow requirements" or requests for fire flow shall be separately tariffed, or provided by contract submitted for commission approval.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-046 APPLICATION FOR SERVICE. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated. An applicant shall be deemed a customer when the utility accepts his/her application for water service.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-066 DISTRIBUTION EXTENSIONS. Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

All distribution extension agreements or contracts in excess of the allowances or charges contained in the company distribution extension rules shall be filed with the commission for approval. The documentation to be filed with the contract shall meet the criteria contained in WAC 480-80-335.

In determining the charge for a distribution extension, the utility must determine the most economical route consistent with the utility companies' approved plan and in compliance with sound engineering practice.

There will not be a direct charge or assessment for retrofitting or upgrading the system for applicants or customers within the commission service area unless the use of the property changes from that originally proposed when the system was designed or approved.

WSR 90-10-079
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 2, 1990, 2:14 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-40-610 Timber excise tax definitions; 458-40-640 Stumpage value area and hauling distance zone—Map; 458-40-660 Stumpage value tables; 458-40-670 Stumpage value adjustments; and 458-40-636 Taxable stumpage value—Public timber.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule establishes the stumpage value of timber within the state of Washington. These values are to be used by harvesters to compute their timber tax liability for the period from July 1, 1990, through December 31, 1990 (second half 1990).

Name of Agency Personnel Responsible for Drafting: Gordon S. Gienty, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 586-2903; Implementation: John B. Conklin, 6004 South Capitol Boulevard,

Tumwater, WA 98501, (206) 753-2871; and Enforcement: Department of Revenue.

Name of Proponent: Department of Revenue, 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 stumpage value of timber, and adjustments, throughout the state of Washington. These values are to be used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: This rule changes the stumpage values of timber throughout the state.

Small Business Economic Impact Statement: The Department of Revenue has reviewed administrative provisions contained in WAC 458-40-610, 458-40-636, 458-40-640, 458-40-660 and 458-40-670 in order to determine the economic impact on small businesses.

The new provisions incorporated in this rule do not change the reporting frequency of tax returns; require new forms; or alter longstanding and generally accepted record keeping requirements.

This rule will have no economic impact on business.

The economic impact of actual tax liability is beyond the scope of the small business economic impact statement and therefore, not addressed.

The department does not have the legal authority to exempt small businesses from statutory requirements merely repeated in this rule.

Taxpayers report liability on the forest excise tax return. Records that a taxpayer must keep are those necessary to determine actual tax liability or those which show a harvester's right to a deduction, credit, or exemption. There is no other compliance requirement imposed by this rule.

Hearing Location: Department of Revenue Conference Room, Third Floor, Northtown Office Building, North 4407 Division Street, Spokane, WA, on June 6, 1990, at 1:00 p.m.; and at the Evergreen Plaza Building, 2nd Floor Conference Room, 711 South Capitol Way, Olympia, WA, on June 8, 1990, at 10:00 a.m.

Submit Written Comments to: John B. Conklin, Assistant Director, Forest Tax, General Administration Building, Mailstop AX-02, Olympia, Washington 98504, by June 8, 1990.

Date of Intended Adoption: June 29, 1990.

May 2, 1990
John B. Conklin
Assistant Director
Forest Tax

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-610 TIMBER EXCISE TAX—DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) Competitive sales. The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The

term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) Department. The department of revenue of the state of Washington.

(4) Dominant trees. Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: PROVIDED, A harvest unit may not overlap a county boundary.

(6) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(7) Lump sum sale. Also known as a cash sale or an installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual volume harvested.

(8) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

(9) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

(10) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that (~~are required by contract by the seller and~~) are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

(11) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

(12) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

(13) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

(14) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(15) Sale price. The amount paid for timber in cash or other consideration.

(16) Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

(17) Species. A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

(c) Conifer utility. All conifer logs graded as utility.

(d) Hardwood utility. All hardwood logs graded as utility or number four sawmill as defined by the current edition of the "Official Log Scaling and Grading Rules" as developed and authored by the Northwest Log Rules Advisory Group.

(e) Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

(18) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

(19) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

(20) Thinning. Timber removed from a harvest unit meeting all the following conditions:

(a) Located in Western Washington;

(b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(c) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(d) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(21) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-636 TIMBER EXCISE TAX—TAXABLE STUMPAGE VALUE—PUBLIC TIMBER. The taxable stumpage value for public timber sales shall be determined as follows:

(1) Competitive sales. The taxable value shall be the actual purchase price in cash or other consideration. The taxable value of other consideration shall be the fair market value of the other consideration; provided that if the other consideration is permanent roads, the taxable value shall be the appraised value as appraised by the seller. If the seller does not provide an appraised value for roads, the taxable value shall be the actual costs incurred by the purchaser for constructing or improving the roads.

(2) Noncompetitive sales. The taxable value shall be determined using the department's stumpage value tables as set forth in this chapter.

(3) Sale of logs. The taxable value for public timber sold in the form of logs shall be the actual purchase price for the logs in cash or other consideration less appropriate deductions for costs of felling, bucking, and yarding the logs to the point of sale. Cost deductions shall be the actual costs when documented proof is available. In the absence of verifiable actual cost data, cost deductions shall be based on the costs as appraised by the seller, if available; or an estimate of such costs based on the best available information from the sale of similar timber under similar harvesting conditions.

(4) Transitional sales. Sales in which the harvest began before July 1, 1984, and continued after that date. On such sales, the volume harvested prior to July 1, 1984, shall be taxed using the department's stumpage value tables as set forth in this chapter. For volume harvested on or after July 1, 1984, the taxable stumpage value shall be determined by actual payments for stumpage in cash or other consideration.

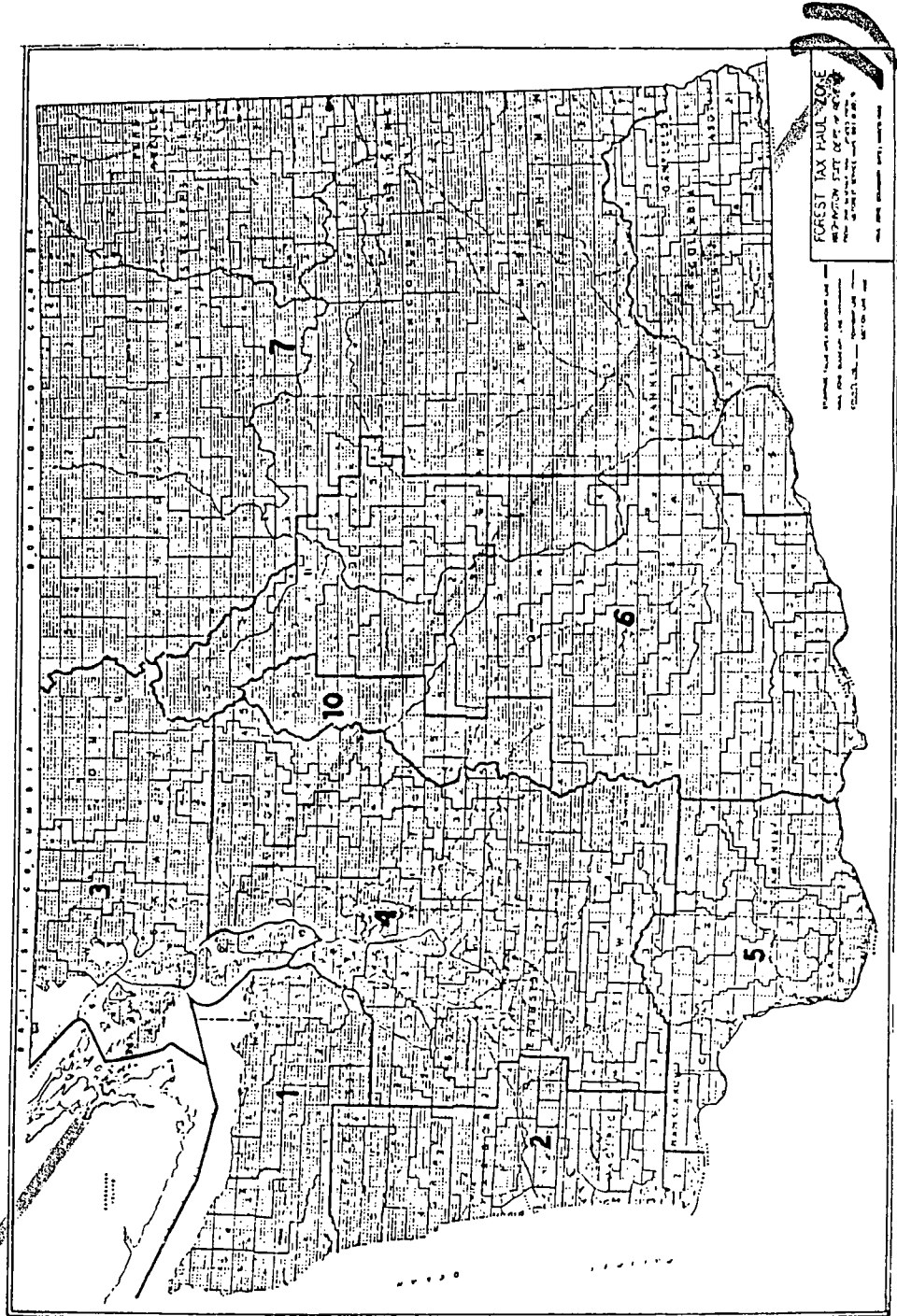
(5) Defaulted sales and uncompleted contracts. In the event of default on a public timber sale contract, wherein the taxpayer has made partial payment for the timber but has not removed timber, no tax shall be due. If part of the sale is logged and the purchaser fails to complete the harvesting, taxes shall be due on the amount the purchaser has been billed by the selling agency for the volume removed to date.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-640 TIMBER EXCISE TAX—STUMPAGE VALUE AREA (MAP). The stumpage value area and hauling distance zone map contained in this section shall be used to determine the proper stumpage value table and haul zone to be used in calculating the taxable stumpage value of timber harvested from private land.

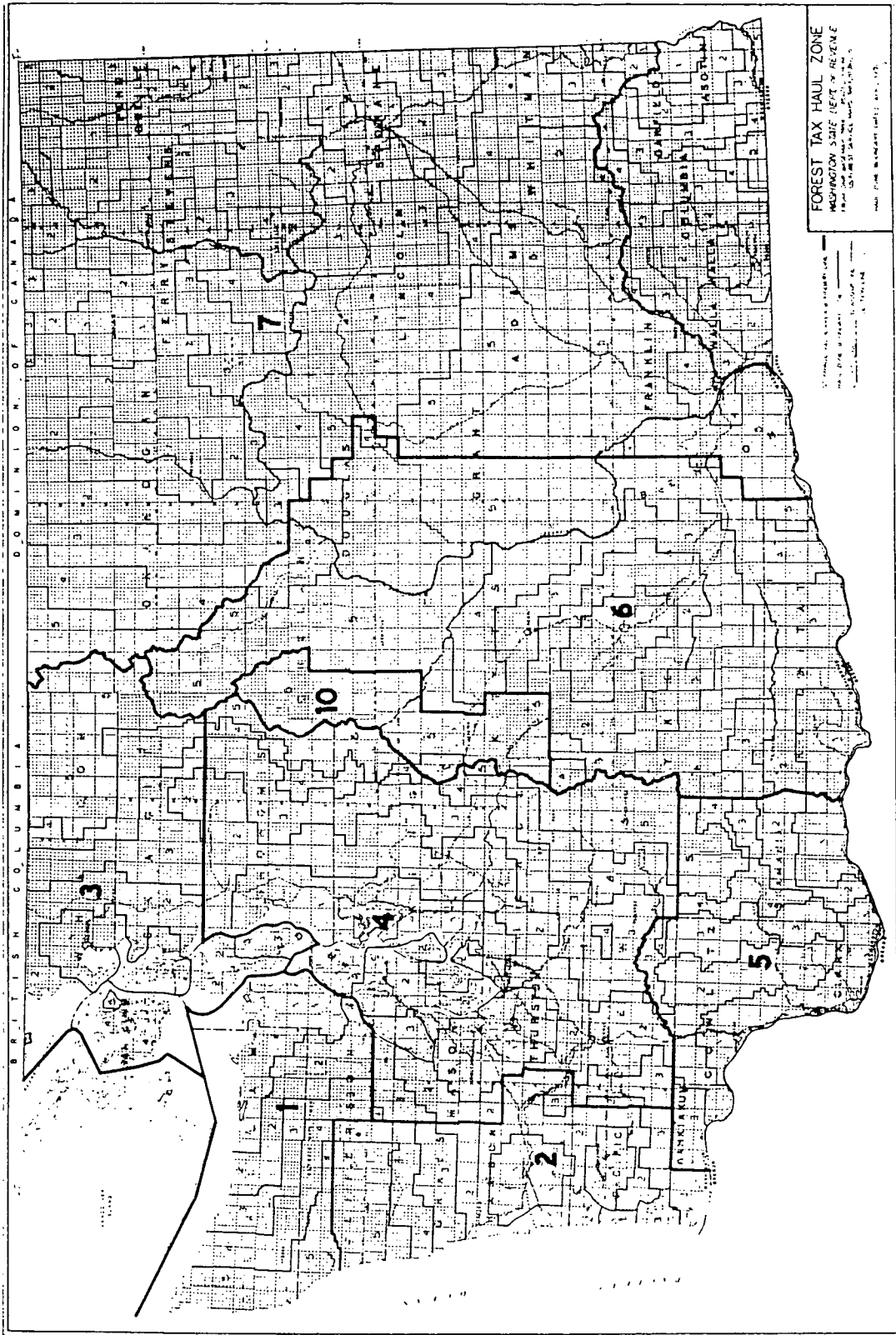
DEPARTMENT OF REVENUE—Forest Tax Division

458-40-640. STUMPAGE VALUE AREA AND HAULING DISTANCE ZONE--MAP. Harvesters may obtain a larger scale map by writing to the Washington State Department of Revenue, Forest Tax Section, Mail Stop AX-02, Olympia, WA 98504; or by calling (206) 753-7086.



[Statutory Authority: Chapter 84.33 RCW. 87-02-023 (Order 86-4), § 458-40-640, filed 12/31/86.]

458-40-660. STUMPAGE VALUE AREA AND HAULING DISTANCE ZONE-MAP. Harvesters may obtain a larger scale map by writing to the Washington State Department of Revenue, Forest Tax Section, Mail Stop AX-02, Olympia, WA 98504, or by calling (206) 753-7086 or 1-800-548-8829.



AMENDATORY SECTION (Amending WSR 90-02-049, filed 12/29/89, effective 1/29/90)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1990:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$730	\$723	\$716	\$709	\$702
		2	349	342	335	328	321
		3	345	338	331	324	317
		4	277	270	263	256	249
		5	261	254	247	240	233
		6	237	230	223	216	209
Western Redcedar ²	RC	1	521	514	507	500	493
		2	500	493	486	479	472
		3	335	328	321	314	307
		4	313	306	299	292	285
Sitka Spruce	SS	1	543	536	529	522	515
		2	438	431	424	417	410
		3	283	276	269	262	255
		4	208	201	194	187	180
		5	193	186	179	172	165
		6	177	170	163	156	149
Western Hemlock ³	WH	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Other Conifer	OC	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Red Alder	RA	1	121	114	107	100	93
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	21	21	21	21	21

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$847	\$840	\$833	\$826	\$819
		2	422	415	408	401	394
		3	385	378	371	364	357
		4	320	313	306	299	292
		5	270	263	256	249	242
		6	130	123	116	109	102

TABLE 1—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ²	RC	1	724	717	710	703	696
		2	567	560	553	546	539
		3	375	368	361	354	347
		4	307	300	293	286	279
Sitka Spruce	SS	1	552	545	538	531	524
		2	469	462	455	448	441
		3	302	295	288	281	274
		4	262	255	248	241	234
		5	258	251	244	237	230
		6	102	95	88	81	74
Western Hemlock ³	WH	1	475	468	461	454	447
		2	421	414	407	400	393
		3	320	313	306	299	292
		4	306	299	292	285	278
		5	206	199	192	185	178
		6	104	97	90	83	76
Other Conifer	OC	1	475	468	461	454	447
		2	421	414	407	400	393
		3	320	313	306	299	292
		4	306	299	292	285	278
		5	206	199	192	185	178
		6	104	97	90	83	76
Red Alder	RA	1	121	114	107	100	93
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	85	78	71	64	57
Hardwood Utility	HU	5	93	86	79	72	65
Conifer Utility	CU	5	80	73	66	59	52

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$438	\$431	\$424	\$417	\$410
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1		161	154	147	140	133
Western Redcedar & Other Posts ²	RCP	1		0.48	0.48	0.48	0.48	0.48
Douglas-Fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

(TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Douglas-Fir	DF	1		\$724	\$717	\$710	\$703	\$696
		2		514	507	500	493	486
		3		303	296	289	282	275
		4		263	256	249	242	235
		5		223	216	209	202	195
		6		206	199	192	185	178
Western Redcedar ²	RC	1		687	680	673	666	659
		2		635	628	621	614	607
		3		331	324	317	310	303
		4		256	249	242	235	228
Sitka Spruce	SS	1		550	543	536	529	522
		2		415	408	401	394	387
		3		278	271	264	257	250
		4		245	238	231	224	217
		5		237	230	223	216	209
		6		206	199	192	185	178
Western Hemlock ³	WH	1		454	447	440	433	426
		2		356	349	342	335	328
		3		234	227	220	213	206
		4		229	222	215	208	201
		5		171	164	157	150	143
		6		151	144	137	130	123
Other Conifer	OC	1		454	447	440	433	426
		2		356	349	342	335	328
		3		234	227	220	213	206
		4		229	222	215	208	201
		5		171	164	157	150	143
		6		151	144	137	130	123

TABLE 3—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Red Alder	RA	1		102	95	88	81	74
Black Cottonwood	BC	1		76	69	62	55	48
Other Hardwood	OH	1		82	75	68	61	54
Hardwood Utility	HU	5		27	27	27	27	27
Conifer Utility	CU	5		37	37	37	37	37

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Douglas-Fir	DF	1		\$684	\$677	\$670	\$663	\$656
		2		553	546	539	532	525
		3		365	358	351	344	337
		4		293	286	279	272	265
		5		274	267	260	253	246
		6		192	185	178	171	164
Western Redcedar ²	RC	1		680	673	666	659	652
		2		653	646	639	632	625
		3		347	340	333	326	319
		4		331	324	317	310	303
Sitka Spruce	SS	1		611	604	597	590	583
		2		548	541	534	527	520
		3		294	287	280	273	266
		4		262	255	248	241	234
		5		202	195	188	181	174
		6		103	96	89	82	75
Western Hemlock ³	WH	1		538	531	524	517	510
		2		403	396	389	382	375
		3		302	295	288	281	274
		4		289	282	275	268	261
		5		255	248	241	234	227
		6		113	106	99	92	85
Other Conifer	OC	1		538	531	524	517	510
		2		403	396	389	382	375
		3		302	295	288	281	274
		4		289	282	275	268	261
		5		255	248	241	234	227
		6		113	106	99	92	85
Red Alder	RA	1		115	108	101	94	87
Black Cottonwood	BC	1		94	87	80	73	66
Other Hardwood	OH	1		85	78	71	64	57
Hardwood Utility	HU	5		93	86	79	72	65
Conifer Utility	CU	5		80	73	66	59	52

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	Distance Zone Number				
				1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1		157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1		0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	Distance Zone Number				
				1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$438	\$431	\$424	\$417	\$410
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1		161	154	147	140	133
Western Redcedar & Other Posts ²	RCP	1		0.48	0.48	0.48	0.48	0.48
Douglas-Fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

((TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	Distance Zone Number				
				1	2	3	4	5
Douglas-Fir ²	DF	1		\$629	\$622	\$615	\$608	\$601
		2		410	403	396	389	382
		3		355	348	341	334	327
		4		298	291	284	277	270
		5		291	284	277	270	263
		6		164	157	150	143	136
Western Redcedar ³	RC	1		584	577	570	563	556
		2		384	377	370	363	356
		3		333	326	319	312	305
		4		288	281	274	267	260
Western Hemlock ⁴	WH	1		446	439	432	425	418
		2		368	361	354	347	340
		3		267	260	253	246	239
		4		258	251	244	237	230
		5		239	232	225	218	211
		6		157	150	143	136	129
Other Conifer	OC	1		446	439	432	425	418
		2		368	361	354	347	340
		3		267	260	253	246	239
		4		258	251	244	237	230
		5		239	232	225	218	211
		6		157	150	143	136	129
Red Alder	RA	1		79	72	65	58	51
Black Cottonwood	BC	1		76	69	62	55	48
Other Hardwood	OH	1		82	75	68	61	54
Hardwood Utility	HU	5		27	27	27	27	27
Conifer Utility	CU	5		15	15	15	15	15

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	Distance Zone Number				
				1	2	3	4	5
Douglas-Fir ²	DF	1		\$550	\$543	\$536	\$529	\$522
		2		494	487	480	473	466
		3		408	401	394	387	380
		4		326	319	312	305	298
		5		292	285	278	271	264
		6		179	172	165	158	151
Western Redcedar ³	RC	1		695	688	681	674	667
		2		428	421	414	407	400
		3		357	350	343	336	329
		4		347	340	333	326	319
Western Hemlock ⁴	WH	1		517	510	503	496	489
		2		369	362	355	348	341
		3		342	335	328	321	314
		4		283	276	269	262	255
		5		266	259	252	245	238
		6		251	244	237	230	223
Other Conifer	OC	1		517	510	503	496	489
		2		369	362	355	348	341
		3		342	335	328	321	314
		4		283	276	269	262	255
		5		266	259	252	245	238
		6		251	244	237	230	223

TABLE 5—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	106	99	92	85	78
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	85	78	71	64	57
Hardwood Utility	HU	5	93	86	79	72	65
Conifer Utility	CU	5	80	73	66	59	52

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$438	\$431	\$424	\$417	\$410
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	161	154	147	140	133
Western Redcedar & Other Posts ²	RCP	1	0.48	0.48	0.48	0.48	0.48

TABLE 6—
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

((TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$630	\$623	\$616	\$609	\$602
		2	419	412	405	398	391
		3	325	318	311	304	297
		4	250	243	236	229	222
		5	196	189	182	175	168
		6	144	137	130	123	116
Western Redcedar ³	RC	1	414	407	400	393	386
		2	312	305	298	291	284
		3	293	286	279	272	265
		4	291	284	277	270	263
Western Hemlock ⁴	WH	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Other Conifer	OC	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Red Alder	RA	1	92	85	78	71	64
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	20	20	20	20	20

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$708	\$701	\$694	\$687	\$680
		2	519	512	505	498	491
		3	374	367	360	353	346
		4	310	303	296	289	282

TABLE 7—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		5	250	243	236	229	222
		6	218	211	204	197	190
Western Redcedar ³	RC	1	407	400	393	386	379
		2	377	370	363	356	349
		3	352	345	338	331	324
		4	318	311	304	297	290
Western Hemlock ⁴	WH	1	492	485	478	471	464
		2	388	381	374	367	360
		3	382	375	368	361	354
		4	283	276	269	262	255
		5	276	269	262	255	248
		6	224	217	210	203	196
Other Conifer	OC	1	492	485	478	471	464
		2	388	381	374	367	360
		3	382	375	368	361	354
		4	283	276	269	262	255
		5	276	269	262	255	248
		6	224	217	210	203	196
Red Alder	RA	1	115	108	101	94	87
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	85	78	71	64	57
Hardwood Utility	HU	5	93	86	79	72	65
Conifer Utility	CU	5	80	73	66	59	52

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$438	\$431	\$424	\$417	\$410
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	161	154	147	140	133
Western Redcedar & Other Posts ²	RCP	1	0.48	0.48	0.48	0.48	0.48
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

((TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$606	\$599	\$592	\$585	\$578
		2	464	457	450	443	436
		3	336	329	322	315	308
		4	217	210	203	196	189
		5	182	175	168	161	154
		6	170	163	156	149	142
Western Redcedar ³	RC	1	638	631	624	617	610
		2	610	603	596	589	582
		3	503	496	489	482	475
		4	275	268	261	254	247
Western Hemlock ⁴	WH	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Other Conifer	OC	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Red Alder	RA	1	113	106	99	92	85
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	21	21	21	21	21

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Timber Quality		Hauling Distance Zone Number		
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$763	\$756	\$749	\$742	\$735
		2	549	542	535	528	521
		3	440	433	426	419	412
		4	293	286	279	272	265
		5	218	211	204	197	190
		6	205	198	191	184	177
Western Redcedar ³	RC	1	695	688	681	674	667
		2	551	544	537	530	523
		3	425	418	411	404	397
		4	258	251	244	237	230
Western Hemlock ⁴	WH	1	517	510	503	496	489
		2	400	393	386	379	372
		3	368	361	354	347	340
		4	297	290	283	276	269
		5	290	283	276	269	262
		6	271	264	257	250	243
Other Conifer	OC	1	517	510	503	496	489
		2	400	393	386	379	372
		3	368	361	354	347	340
		4	297	290	283	276	269
		5	290	283	276	269	262
		6	271	264	257	250	243
Red Alder	RA	1	128	121	114	107	100
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	85	78	71	64	57
Hardwood Utility	HU	5	93	86	79	72	65
Conifer Utility	CU	5	80	73	66	59	52

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Timber Quality		Hauling Distance Zone Number		
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 10—
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Timber Quality		Hauling Distance Zone Number		
			1	2	3	4	5
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Timber Quality		Hauling Distance Zone Number		
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$438	\$431	\$424	\$417	\$410
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	161	154	147	140	133
Western Redcedar & Other Posts ²	RCP	1	0.48	0.48	0.48	0.48	0.48
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

((TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Timber Quality		Hauling Distance Zone Number		
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$156	\$150	\$144	\$138	\$132
Engelmann Spruce	ES	1	118	112	106	100	94
Lodgepole Pine	LP	1	143	137	131	125	119
Ponderosa Pine	PP	1	367	361	355	349	343
		2	161	155	149	143	137
Western Redcedar ³	RC	1	160	154	148	142	136
True Firs ⁴	WH	1	163	157	151	145	139
Western White Pine	WP	1	110	104	98	92	86
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	8	8	8	8	8

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$217	\$211	\$205	\$199	\$193
Engelmann Spruce	ES	1	144	138	132	126	120
Lodgepole Pine	LP	1	92	86	80	74	68
Ponderosa Pine	PP	1	371	365	359	353	347
		2	237	231	225	219	213
Western Redcedar ³	RC	1	209	203	197	191	185
True Firs ⁴	WH	1	208	202	196	190	184
Western White Pine	WP	1	176	170	164	158	152
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	36	30	24	18	12

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126

TABLE 12—
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

((TABLE 13—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$136	\$130	\$124	\$118	\$112
Engelmann Spruce	ES	1	94	88	82	76	70
Lodgepole Pine	LP	1	91	85	79	73	67
Ponderosa Pine	PP	1	265	259	253	247	241
		2	146	140	134	128	122
Western Redcedar ³	RC	1	170	164	158	152	146
True Firs ⁴	WH	1	113	107	101	95	89
Western White Pine	WP	1	203	197	191	185	179
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$154	\$148	\$142	\$136	\$130
Engelmann Spruce	ES	1	113	107	101	95	89
Lodgepole Pine	LP	1	100	94	88	82	76
Ponderosa Pine	PP	1	286	280	274	268	262
		2	171	165	159	153	147
Western Redcedar ³	RC	1	177	171	165	159	153
True Firs ⁴	WH	1	134	128	122	116	110
Western White Pine	WP	1	222	216	210	204	198

**TABLE 13—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	13	7	1	1	1

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**((TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1990**

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1990**

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

**((TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990**

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$328	\$322	\$316	\$310	\$304
		2	187	181	175	169	163
		3	116	110	104	98	92
Engelmann Spruce	ES	1	204	198	192	186	180
		2	169	163	157	151	145
		3	134	128	122	116	110
Lodgepole Pine	LP	1	147	141	135	129	123
		2	142	136	130	124	118
		3	137	131	125	119	113
Ponderosa Pine	PP	1	423	417	411	405	399
		2	145	139	133	127	121
		3	137	131	125	119	113
Western Redcedar ³	RC	1	322	316	310	304	298
		2	243	237	231	225	219
		3	165	159	153	147	141
True Firs ⁴	WH	1	255	249	243	237	231
		2	208	202	196	190	184
		3	154	148	142	136	130
Western White Pine	WP	1	224	218	212	206	200
		2	169	163	157	151	145
		3	138	132	126	120	114
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	6	6	6	6	6

**TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1990**

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$398	\$392	\$386	\$380	\$374
		2	309	303	297	291	285
		3	219	213	207	201	195
Engelmann Spruce	ES	1	254	248	242	236	230
		2	222	216	210	204	198
		3	190	184	178	172	166
Lodgepole Pine	LP	1	204	198	192	186	180
		2	199	193	187	181	175
		3	194	188	182	176	170
Ponderosa Pine	PP	1	453	447	441	435	429
		2	421	415	409	403	397
		3	209	203	197	191	185
Western Redcedar ³	RC	1	386	380	374	368	362
		2	237	231	225	219	213
		3	207	201	195	189	183
True Firs ⁴	WH	1	255	249	243	237	231
		2	208	202	196	190	184
		3	154	148	142	136	130
Western White Pine	WP	1	325	319	313	307	301
		2	270	264	258	252	246
		3	239	233	227	221	215
Hardwoods	OH	1	61	55	49	43	37

TABLE 15—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Utility	CU	5	54	48	42	36	30

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

((TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending WSR 90-02-049, filed 12/29/89, effective 1/29/90)

WAC 458-40-670 **TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1990:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
((January)) July 1 through ((June 30)) December 31, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%. ((-\$22.00))	- \$23.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%. ((-\$35.00))	- \$34.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products. ((-\$84.00))	- \$81.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	- \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
(~~January~~) July 1 through (~~June 30~~) December 31, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	(-\$22.00) - \$28.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	(-\$35.00) - \$39.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	(-\$84.00) - \$86.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

Table 3—Domestic Market Adjustment

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	(-\$63.00) - \$32.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	(-\$17.00) - \$19.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 90-10-080
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed May 2, 1990, 2:15 p.m.]

Date of Adoption: May 2, 1990.

Purpose: To repeal warranty, maintenance agreements, service contracts subject matter section from rule and to reformat for clarity.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-107.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-07-087 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 2, 1990

Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 86-1, filed 1/7/86)

WAC 458-20-107 **SELLING PRICE - ADVERTISED PRICES INCLUDING SALES TAX** (~~=(WARRANTIES, MAINTENANCE AGREEMENTS, SERVICE CONTRACTS)~~). (1) **SELLING PRICE.** Under the provisions of RCW 82.08.020 the retail sales tax is to be collected and paid upon retail sales, measured by the "selling price."

(a) The term "Selling price" means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible personal property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; . . ." (See RCW 82.08.010(1)).

(b) Concerning the tax liabilities and benefits in connection with "trade-in" transactions, see WAC 458-20-247.

(c) RCW 82.08.050 specifically requires that the retail sales tax must be stated separately from the selling price on any sales invoice or other instrument of sale, i.e., contracts, sales slips, and/or customer billing receipts. (For an exception covering restaurant receipts of Class H liquor licensees, see WAC 458-20-119). This is required even though the seller and buyer may know and agree that the price quoted is to include state and local taxes, including the retail sales tax. The law creates a "conclusive presumption" that, for purposes of collecting the tax and remitting it to the state, the selling price quoted does not include the retail sales tax. This presumption is not overcome or rebutted by any written or oral agreement between seller and buyer. However, selling prices may be advertised as including the tax or that the seller is paying the tax and, in such cases, the advertised price shall not be considered to be the taxable selling price under certain prescribed conditions explained in this (~~rule~~) section. Even when prices are advertised as including the sales tax, the actual sales invoices, receipts, contracts, or billing documents must list the retail sales tax as a separate charge. Failure to comply with this requirement may result in the retail sales tax due and payable to the state being computed on the gross amount charged even if it is claimed to already include all taxes due.

(2) **ADVERTISING PRICES INCLUDING TAX.**

(a) The law provides that a seller may advertise prices as including the sales tax or that the seller is paying the sales tax under the following conditions:

~~((1))~~ (i) The words "tax included" are stated immediately following the advertised price in print size at least half as large as the advertised price print size, unless the advertised price is one in a listed series;

~~((2))~~ (ii) When advertised prices are listed in series, the words "tax included in all prices" are placed conspicuously at the head of the list in the same print size as the list;

~~((3))~~ (iii) If the price is advertised as including tax, the price listed on any price tag shall be shown in the same way; and

~~((4))~~ (iv) All advertised prices and the words "tax included" are stated in the same medium, whether oral or visual, and if oral, in substantially the same inflection and volume.

(b) If these conditions are satisfied, as applicable, then price lists, reader boards, menus, and other price information mediums need not reflect the item price and separately show the actual amount of sales tax being collected on any or all items.

(c) The scope and intent of the foregoing is that buyers have the right to know whether retail sales tax is being included in advertised prices or not and that the tax is not to be used for the competitive advantage or disadvantage of retail sellers.

(3) See: Wac 458-20-257 for Warranties (Guarantees) and Maintenance Agreements (Service Contracts).

~~((WARRANTIES, MAINTENANCE AGREEMENTS, AND SERVICE CONTRACTS~~

~~For purposes of this rule, the following definitions apply:~~

~~Warranties, sometimes referred to as guarantees, are agreements which call for the replacement or repair of tangible personal property with no additional charge for parts or labor, or both, based upon the happening of some unforeseen occurrence, e.g., the property breaks down.~~

~~Maintenance agreements, sometimes referred to as service contracts, are agreements which require the specific performance of repairing, cleaning, altering, or improving of tangible personal property on a regular or periodic basis to ensure its continued satisfactory operation.~~

~~Manufacturer's warranties are generally included within the retail selling price of the property and no additional charge is made. However, when any additional charge is made for any warranty protecting tangible personal property sold, additional tax liability is incurred depending on how the warranty is sold. If it is sold by the retail seller of the property protected by the warranty and concomitant with the sale of that property, the entire charge, including the charge for the warranty, is subject to retailing business tax and retail sales tax. This is so even though the warranty charge may be separately billed or separately itemized on any billing. Such warranty sales are deemed to be "for labor and services rendered in respect to . . . installing, repairing, cleaning, altering, imprinting, or improving tangible personal property of or for consumers . . ." and therefor they are "retail sales" under RCW 82.04.050.~~

~~Warranties which are sold by any person who was not the seller of the property protected by the warranty or which are purchased subsequent to and distinct from the original warranty purchased concomitant with the property, are deemed to be services rather than retail sales. Charges for such warranties are subject to the service business tax and are not subject to retail sales tax.~~

~~MAINTENANCE AGREEMENTS~~

~~Maintenance agreements and service contracts require the periodic specific performance of inspecting, cleaning, physical servicing, altering, and/or improving of tangible personal property. Therefor, charges for contracts or agreements of this nature are retail sales, subject to retailing business tax and retail sales tax under all circumstances.~~

~~In the cases of both warranties and maintenance agreements, any actual additional charge made to the consumer because of the providing of materials or the performance of actual labor pursuant to such agreements is separately taxable under the retailing business tax and retail sales tax. This includes so-called "deductible" amounts not covered by the warranty or service agreement.~~

~~Moreover, if an agreement contains warranty provisions but also requires the actual specific performance of inspection, cleaning, servicing, altering, or improving the property on a regular or periodic basis, without regard to the operating condition of the property, such agreements are fully taxed as service agreements, not warranties.)~~

WSR 90-10-081

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 2, 1990, 2:17 p.m.]

Date of Adoption: May 2, 1990.

Purpose: This rule describes the taxation of warranties and maintenance agreements, correcting the portions of WAC 458-20-107 held invalid by a court.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-07-088 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 2, 1990

Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-257 WARRANTIES AND MAINTENANCE AGREEMENTS. (1) DEFINITIONS. For the purposes of this section, the following terms will apply:

(a) Warranties. Warranties, sometimes referred to as guarantees, are agreements which call for the replacement or repair of tangible personal property with no additional charge for parts or labor, or both, based upon the happening of some unforeseen occurrence, e.g., the property needs repair within the warranty period.

(b) Warrantor. The warrantor is the person obligated, as specified in the warranty agreement, to perform labor

and/or provide materials to the owner of the personal property to which the warranty agreement relates.

(c) Maintenance Agreements. Maintenance agreements sometimes referred to as service contracts, are agreements which require the specific performance of repairing, cleaning, altering, or improving of tangible personal property on a regular or irregular basis to ensure its continued satisfactory operation.

(2) B&O TAX.

(a) Manufacturer's warranties included in the retail selling price of the article being sold.

(i) When a manufacturer's warranty is included in the retail selling price of the property sold and no additional charge is made, the value of the warranty is a part of the selling price. The value of the warranty is included in the "gross proceeds of sale" of the article sold and reported under the appropriate classification, e.g. retailing, wholesaling, etc.

(ii) When a repair is made by the manufacturer-warrantor under the warranty, the value of the labor and or parts provided are not subject to B&O tax.

(iii) When a person other than the manufacturer-warrantor makes a repair for the manufacturer-warrantor, the person making the repair is making a wholesale sale of the repair service to the manufacturer-warrantor. The person doing the repair is B&O taxable under the wholesaling classification on the value of the parts and labor provided.

(b) Non-Manufacturer's warranties and manufacturer's warranties not included in the retail selling price of the article being sold.

(i) When a warranty is sold for a charge separate from the charge of the product, e.g., a warranty extending the manufacturer's warranty, the charge is reported in the service and other activities classification of the B&O tax.

(ii) When a repair is made by the warrantor under a separately stated warranty, the value of the labor and or parts provided are not subject to B&O tax.

(iii) When a person other than the warrantor makes a repair for the warrantor, the person making the repair is making a retail sale of the repair service to the warrantor. The person making the repair is B&O taxable under the retailing classification.

(c) Maintenance Agreements.

(i) Maintenance agreements (service contracts) require the periodic specific performance of inspecting, cleaning, physical servicing, altering, and/or improving of tangible personal property. Charges for maintenance agreements are retail sales, subject to retailing B&O tax and retail sales tax under all circumstances.

(d) Amounts received as a commission or other consideration for selling a warranty or maintenance agreement of a third-party warrantor or provider are generally subject to B&O tax under the service and other activities classification. However, if the seller of the warranty is licensed under chapter 48.17 RCW with respect to this selling activity, the commission is subject to B&O tax under the insurance agent classification.

(e) In the event a warrantor purchases an insurance policy to cover the warranty, amounts received by the

warrantor under the insurance policy are insurance claim reimbursements not subject to B&O tax.

(3) RETAIL SALES TAX.

(a) Manufacturer's warranties included in the retail selling price of the article being sold.

(i) When a manufacturer's warranty is included in the retail selling price of the property sold and no additional or separate charge is made, the value of the warranty is a part of the selling price and retail sales tax applies to the entire selling price of the article being sold.

(ii) When a repair is made by the manufacturer-warrantor under the warranty, the repair performed is not a retail sale and no retail sales tax is collected.

(iii) When a person other than the manufacturer-warrantor makes a repair for the manufacturer-warrantor, the person making the repair is making a wholesale sale of the repair service to the manufacturer-warrantor. No retail sales tax is collected from the manufacturer-warrantor.

(b) Non-Manufacturer's warranties and manufacturer's warranties not included in the retail selling price of the article being sold.

(i) When a warranty is sold for a charge separate from the charge of the product, e.g., a warranty extending the manufacturer's warranty, the sale is not a retail sale and no retail sales tax is collected on the amount charged.

(ii) When a repair is made by the warrantor under its own separately stated warranty, the value of the labor and/or parts provided is not a retail sale and no retail sales tax is collected.

(iii) When a person other than the warrantor makes a repair for the warrantor, the person making the repair is making a retail sale of the repair service to the warrantor. Retail sales tax is collected from the warrantor measured by the labor and materials provided.

(c) Maintenance Agreements are sales at retail and subject to retail sales tax under all circumstances.

(i) Parties sub-contracting to the party selling the maintenance agreement are making sales at wholesale, and are required to take from their customer (maintenance seller) a resale certificate as provided in WAC 458-20-102.

(4) USE TAX.

(a) Manufacturer's warranties included in the retail selling price of the article being sold.

(i) When a manufacturer-warrantor makes repairs required under its warranty, the value of the parts used in making the repairs is not subject to use tax.

(ii) Where a third party makes repairs for a manufacturer-warrantor, the transaction is a wholesale sale and the parts used in the repair are not subject to use tax.

(b) Non-Manufacturer's warranties and manufacturer's warranties not included in the retail selling price of the article being sold.

(i) When a repair is made by the warrantor under a separately stated warranty, the warrantor is the consumer of the parts and the parts are subject to use tax measured by the warrantor's cost.

(ii) When a person other than the warrantor makes a repair for the warrantor, the person making the repair is

making a retail sale to the warrantor. Retail sales tax, not use tax, is collected.

(c) Maintenance Agreements.

(i) Persons performing services under the requirements of maintenance agreements sold by them, are not subject to use tax or retail sales tax on materials which become a part of the required repairs or services.

(5) ADDITIONAL SERVICE - DEDUCTIBLE. In the event services are provided in addition to any warranty or maintenance agreement, such services are separately taxable as retail sales, subject to retail sales tax and retailing B&O tax. This includes so-called "deductible" amounts not covered by a warranty or maintenance agreement.

(6) MIXED AGREEMENTS. If an agreement contains warranty provisions but also requires the actual specific performance of inspection, cleaning, servicing, altering, or improving the property on a regular or irregular basis, without regard to the operating condition of the property, such agreements are fully taxable as maintenance agreements, not warranties.

(7) EXAMPLES:

(a) An automobile dealer sells a vehicle to a customer for selling price of \$15,000 cash and the selling price includes a manufacturer's limited warranty for 5 years or 50,000 miles. The owner of the vehicle has \$600 (\$200 parts and \$400 labor) warranty work, paying no deductible, performed by the dealer who is not the manufacturer-warrantor. The tax liability of the dealer is as follows:

(i) Retail sales tax is collected on the \$15,000 selling price.

(ii) The \$15,000 selling price is reported under the retailing B&O tax classification. The \$600 repair is reported under the Wholesaling B&O tax classification.

(iii) The \$200 of parts used in the repair are not subject to use tax.

(b) The automobile dealer in example (a) also sells its own extended warranty to the customer for \$200. The dealer insures itself with an insurance carrier and under the policy, claims are paid on the retail value of the repairs. In addition to the repairs in example (a), the customer has the dealer complete \$500 of repairs under the dealer's extended warranty. The customer paid the \$100 deductible and the dealer received \$400 from his insurance carrier. In completing the repair, the dealer installed parts from its inventory which had a cost to the dealer of \$150 and subcontracted part of the repair to an electrical shop which charged the dealer \$200. The tax liability to the dealer and the subcontractor are as follows:

(i) The dealer reports the \$200 sale of the warranty under the service and other activities classification of B&O tax. No retail sales tax is collected on the sale.

(ii) The \$100 deductible received by the dealer is a retail sale subject to retail sales tax and retailing B&O tax.

(iii) The \$400 received by the dealer from the insurance company is a non-taxable insurance claim reimbursement.

(iv) The dealer is the consumer of the parts removed from its inventory and used in the repair. The \$150

dealer cost of the parts taken from inventory is subject to use tax.

(v) The subcontractor is making a retail sale to the dealer subject to retail sales tax and retailing B&O.

WSR 90-10-082
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed May 2, 1990, 2:20 p.m.]

Date of Adoption: May 2, 1990.

Purpose: To identify when tax liability arises under cash, accrual and completed contract accounting methods.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-197.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 90-07-089 on March 21, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 2, 1990

Edward L. Faker

Assistant Director

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-197 WHEN TAX LIABILITY ARISES. (1) Gross proceeds of sales and gross income shall be included in the return for the period in which the value proceeds or accrues to the taxpayer. For the purpose of determining tax liability of persons making sales of tangible personal property, a sale takes place when the goods sold are delivered to the buyer in this state. With respect to leases or rentals of tangible personal property, liability for retail sales tax arises as of the time the rental payments fall due (see WAC 458-20-211).

(2) ACCRUAL BASIS.

(a) When returns are made upon the accrual basis, value (~~(proceeds or)~~) accrues to a taxpayer (~~(as of)~~) at the time:

(i) the taxpayer (~~(actually receives,)~~) becomes legally entitled to receive the consideration, or,

(ii) in accord with the system of accounting regularly employed, enters as a charge against the purchaser, customer, or client the amount of the consideration agreed upon, whether payable immediately or at a definitely determined future time.

(b) (~~(As to a)~~) Amounts actually received (~~(, however, such amounts)~~) do not constitute value (~~(proceeding)~~) accruing to the taxpayer in the period in which received if the (~~(gross proceeds of sales or gross income of the contract or transaction by virtue of which such amounts are received, pursuant to the foregoing, constitute)~~) value (~~(accruing)~~) accrues to the taxpayer during another period. It is immaterial (~~(whether)~~) if the act or service (~~(out of)~~) for which the consideration (~~(proceeds or)~~) accrues is performed or rendered, in whole or in part, during a period other than the one for which return is

made(;;). ((t)) The controlling factor ((in this case being)) is the time ((as of which)) when the taxpayer is entitled to receive((d)), or takes credit for, the ((agreed)) consideration.

(3) CASH RECEIPTS BASIS.

(a) When returns are made upon cash receipts and disbursements basis, value proceeds ((or accrues)) to a taxpayer ((as of)) at the time the taxpayer receives the payment, either actually or constructively((; the consideration promised)). It is immaterial that the contract is performed, in whole or in part, during a period other than the one in which payment is received.

(b) ((But-s)) See: WAC 458-20-199 for limitation as to persons who may report on the cash receipts basis.((t))

(4) SPECIAL APPLICATION, CONTRACTORS. ((In the case of building and construction contractors value proceeds or accrues to the taxpayer as follows:))

((t)) ((When the taxpayer)) Value accrues for a building or construction contractor who maintains his accounting records on the accrual basis, as of the time the contractor becomes entitled to compensation under the contract((:)).

((fa)) If by the terms of the contract the taxpayer becomes entitled to compensation only upon the completion of the work, value accrues thereunder as of the time of completion.((;))

((fb)) (a) If by the terms of the contract the taxpayer becomes entitled to compensation upon estimates as the work progresses, value, to the extent of such estimates, accrues as of the time that each estimate is made and the balance at the time of the completion of the work or of the final estimate.

(b) If by the terms of the contract the taxpayer becomes entitled to compensation only upon the completion of the work, value accrues as of the earlier of the completion of the work, or, any use of the facilities being constructed, or, 60 days after the facility is substantially complete.

(i) Example: A contractor agrees to build two buildings for a buyer. Under the terms of the contract, payment is to be made only upon completion of both buildings. One building is substantially completed and occupied on April 15, 1991, the other building is substantially completed on May 15, 1991 and occupied on July 1, 1991. The work on both buildings is completed under the contract on June 15, 1991. Value accrues for the first building on April 15, 1991, the date it was used. Value accrues for the remainder of the contract on June 15, 1991, the date the work was completed.

(ii) Example: A contractor agrees to build a building for a buyer. Under the terms of the contract, the buyer is to make payment for the building only upon completion of the building. The building is completed, except for minor alterations, and available for planned occupancy on August 15, 1990. However, because of a contract dispute between the buyer and his tenant for the building, the buyer is unable to pay the contractor until

February 25, 1991 when the building is finally occupied. The building is completed under the contract on November 15, 1990. Value accrues on the building for sales tax and B&O tax purposes on October 14, 1990, 60 days after August 15, 1991, the date the building was substantially complete.

((2)) When the taxpayer maintains his accounting records on the cash receipts basis, as of the time that the consideration or compensation is received, but provided that the contractor shall make an annual adjustment of accounts receivable according to the procedure set forth in method three of WAC 458-20-199, accounting methods.))

(5) WAREHOUSEMEN. In the case of warehousemen value proceeds or accrues to the taxpayer as follows:

((t)) (a) When the taxpayer is reporting upon the accrual basis ((whether the consideration for storage is at a fixed rate per unit per month or other period or at a flat charge regardless of the length of time and whether payable periodically or at the time of withdrawal)) , value accrues at ((as of)) the time the charge is entered against the owner of the goods stored in accordance with the terms of the contract between the parties and the regular system of accounting employed by the taxpayer.

(i) Value accrues when the charge is entered whether the consideration for storage is at a fixed rate per unit per month or other period, or, at a flat charge regardless of the length of time, or, whether payable periodically or at the time of withdrawal.

(ii) Thus, where a warehouseman, keeping books on accrual basis, customarily enters as a charge to the owner of the goods and a credit to storage income the full amount of a flat storage charge as of the time the goods are received, even though the time for payment is deferred until withdrawal of the goods, value accrues as of the time the goods are received. However, if the warehouseman customarily does not enter such charge until the time of withdrawal, value accrues as of such later date.

((2)) (b) When the taxpayer is reporting upon a cash receipts basis, value proceeds ((or accrues as of)) at the time the ((consideration or compensation)) payment for storage is received.

For effect of rate changes, see WAC 458-20-235.

WSR 90-10-083

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed May 2, 1990, 2:24 p.m.]

On April 4, 1990, WSR 90-08-103 was filed. This filing covered the following WAC sections pertaining to continuing care retirement communities; WAC 248-19-880, 248-19-882, 248-19-884 and 248-19-886. Please withdraw this filing from consideration.

Kristine Gebbie
Secretary

WSR 90-10-084
 PROPOSED RULES
 DEPARTMENT OF HEALTH
 (Board of Nursing)

[Filed May 2, 1990, 2:27 p.m.]

Date of Intended Adoption: July 15, 1990.

May 1, 1990
 Constance E. Roth
 Executive Secretary

Original Notice.

Title of Rule: New sections WAC 308-121-110 through 308-121-180 and 308-173-210 through 308-173-280.

Purpose: To implement the provisions of chapter 18.52A RCW and the Federal Omnibus Budget and Reconciliation Act of 1987 (OBRA).

Other Identifying Information: There are two versions of rules being filed for consideration at the rules hearing. Statutory Authority for Adoption: RCW 18.88.080.

Statute Being Implemented: Chapter 18.52A RCW and OBRA of 1987.

Summary: Defines duties of nursing assistants and outlines training requirements.

Reasons Supporting Proposal: To implement the statutes.

Name of Agency Personnel Responsible for Drafting and Implementation: Constance E. Roth, RN, EdD., Executive Secretary, Washington State Board of Nursing, P.O. Box 1099, Mailstop EY-17, Olympia, WA 98507-1099, 753-2686; and Enforcement: Board of Nursing.

Name of Proponent: Washington State Board of Nursing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-121-110 and 308-173-210 set forth the standards of practice and competencies expected of all nursing assistants in the state. These set forth minimum levels below which disciplinary action can be expected; WAC 308-121-120 through 308-121-180 set forth the requirements for approval of nursing assistant programs leading to eligibility for the certification examination of nursing assistants working in nursing homes licensed under chapter 18.51 RCW; and WAC 308-173-220 through 308-173-280 set forth the requirements for approval of nursing assistant programs leading to eligibility for the nursing assistant to take the examination for certification. Regulations will bring state into compliance with federal rules for nurse "aide" training and competency evaluation programs.

Proposal Changes the Following Existing Rules: Deletes previous requirements for approval with replacements described above.

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

Hearing Location: Fife Executive Inn, 5700 Pacific Highway East, Tacoma, WA 98424, on June 15, 1990, at 1:00 p.m.

Submit Written Comments to: Washington State Board of Nursing, P.O. Box 1099, Mailstop EY-17, Olympia, WA 98507-1099, by June 8, 1990.

NEW SECTION

WAC 308-121-110 STANDARDS OF PRACTICE AND COMPETENCIES OF NURSING ASSISTANCE. The following standards are supported by statements of the competencies that a nursing assistant must hold to meet the standard to be certified to practice in the state of Washington. The competencies are statements of skills and knowledge, and are written as descriptions of behaviors which can be observed and measured. All competencies are performed, as per RCW 18.52B.030, under the direction and supervision of a licensed (registered) nurse or licensed practical nurse. The level or depth of accomplishment of any given competency is as appropriate to the "assisting" role of basic nursing care under supervision of the licensed nurse.

(1) Basic technical skills. The nurse assistant demonstrates basic technical skills which facilitates an optimal level of functioning for the client, recognizing individual, cultural, and religious diversity. Competencies:

(a) Demonstrates proficiency in cardiopulmonary resuscitation (CPR).

(b) Takes and records vital signs.

(c) Measures and records height and weight.

(d) Measures and records fluid and food intake and output of client.

(e) Recognizes and reports abnormal signs and symptoms of common diseases and conditions.

(f) Demonstrates sensitivity to client's emotional, social, and mental health needs.

(g) Makes observations of client's environment to ensure safety and comfort of client.

(h) Participates in care planning and nursing reporting process.

(2) Personal care skills. The nurse assistant demonstrates basic personal care skills. Competencies:

(a) Assists client with bathing, mouth care, and skin care.

(b) Assists client with grooming and dressing.

(c) Provides toileting assistance to client.

(d) Assists client with eating and hydration.

(e) Utilizes proper feeding techniques.

(3) Mental health and social service needs. The nurse assistant demonstrates the ability to identify the psychosocial characteristics of all clients including persons with mental retardation, mental illness, dementia, Alzheimer's disease, and related disorders. Competencies:

(a) Modifies his/her own behavior in response to the client's behavior.

(b) Identifies adaptations necessary to accommodate the aging process.

(c) Provides training in, and the opportunity for, self care according to clients' capabilities.

(d) Demonstrates skills supporting client's personal choices.

(e) Identifies ways to use the client's family as a source of emotional support for the patient.

(4) Basic restorative services. The nurse assistant incorporates principles and skills of restorative nursing in providing nursing care. Competencies:

(a) Demonstrates knowledge and skill in using assistive devices in ambulation, eating, and dressing.

(b) Demonstrates knowledge and skill in the maintenance of range of motion.

(c) Demonstrates proper techniques for turning/positioning client in bed and chair.

(d) Demonstrates proper techniques for transferring client.

(e) Demonstrates knowledge about methods for meeting the elimination needs of clients.

(f) Demonstrates knowledge and skill for the care and use of prosthetic devices.

(5) Clients' rights and promotion of clients' independence. The nurse assistant demonstrates behavior which maintains and respects clients' rights and promotes clients' independence, regardless of race, religion, life-style, sexual preference, disease process, or ability to pay. Competencies:

(a) Recognizes that the client has the right to participate in decisions about his/her care.

(b) Recognizes and respects the clients' need for privacy and maintenance of confidentiality.

(c) Promotes and respects the client's right to make personal choices to accommodate their needs.

(d) Reports client's concerns.

(e) Provides assistance in getting to and participating in activities.

(f) Provides care of client's personal possessions.

(g) Provides care which maintains the client free from abuse, mistreatment or neglect; and reports any instances to appropriate facility staff.

(h) Maintains the client's environment and care through appropriate nurse assistant behavior so as to minimize the need for physical and chemical restraints.

(6) Communication and interpersonal skills. The nurse assistant uses communication skills effectively in order to function as a member of the nursing team. Competencies:

(a) Reads, writes, speaks, and understands English at the level necessary for performing duties of the nursing assistant.

(b) Listens and responds to verbal and nonverbal communication in an appropriate manner.

(c) Recognizes how one's own behavior influences client's behavior and know resources for obtaining assistance in understanding client's behavior.

(d) Makes adjustments for client's physical or mental limitations.

(e) Uses terminology accepted in the nursing facility to record and report observations and pertinent information.

(f) Records and reports observations, actions, and information accurately and timely.

(g) Demonstrates ability to explain policies and procedures before and during care of the client.

(7) Infection control. The nurse assistant uses procedures and techniques to prevent the spread of microorganisms. Competencies:

(a) Uses principles of medical asepsis and demonstrates infection control techniques and universal precautions.

(b) Explains how disease causing microorganisms are spread; lists ways that HIV and Hepatitis B can spread from one person to another.

(c) Demonstrates knowledge of cleaning agents and methods which destroy microorganisms on surfaces.

(8) Safety/emergency procedures. The nurse assistant demonstrates the ability to identify and implement safety/emergency procedures. Competencies:

(a) Provides adequate ventilation, warmth, light, and quiet measures.

(b) Uses measures that promote comfort, rest, and sleep.

(c) Promotes clean, orderly, and safe environment and equipment for the client.

(d) Identifies and utilizes measures for accident prevention.

(e) Identifies and demonstrates principles of body mechanics.

(f) Demonstrates proper use of protective devices in care of clients.

(g) Demonstrates knowledge of fire and disaster procedures.

(h) Identifies and demonstrates principles of health and sanitation in the service of food.

(i) Demonstrates the proper use and storage of cleaning agents and other potentially hazardous materials.

(9) Rules and regulations knowledge. The nurse assistant demonstrates knowledge of and is responsive to the laws and regulations which affect his/her practice including but not limited to: Client abuse and neglect, client complaint procedures, workers right to know, and the Uniform Disciplinary Act.

NEW SECTION

WAC 308-121-120 PURPOSE OF REVIEW AND APPROVAL OF NURSING ASSISTANT TRAINING PROGRAMS. The board of nursing approves nursing assistant education programs in health care facilities qualifying graduates for admission to the federally mandated examination for the following purposes:

(1) To assure preparation for safe practice as a nursing assistant by setting minimum standards for education programs.

(2) To provide guidance for the development of new training programs.

(3) To comply with federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(4) To identify training standards and achieved competencies of nursing assistants in nursing homes in the state of Washington for the purpose of interstate communications and endorsements.

NEW SECTION

WAC 308-121-130 REQUIREMENTS FOR NURSING ASSISTANT TRAINING PROGRAM APPROVAL. Those institutions or facilities seeking approval to offer a program of training for nursing assistants in nursing homes which qualifies graduates for the certification examination shall:

(1) Request an application/guidelines packet from department of health, professional licensing. The packet will include forms and instructions for the program to submit:

(a) Program objectives.

(b) Program content outline.

(c) Qualifications of program director and additional instructional staff.

(d) Agency agreements as appropriate.

(e) A sample lesson plan for one unit.

(f) A sample skills checklist.

(g) Description of physical resources.

(h) Statement of assurance of compliance with administrative guidelines.

(2) If a program currently in existence as an approved program on the date of implementation of this regulation, submit the completed application, including all forms, fees, and assurances as specified, within sixty days of the effective date of the regulation for review for reapproval of the program.

(3) If a program not currently holding approval status, submit the completed application packet and fees as instructed, with all forms and assurances as specified, sixty days prior to the anticipated start date of the first class offered by the institution.

(4) Agree to on-site survey of the training program, as requested by the board, on a date mutually agreed upon by the institution and the board.

(5) Provide review and update of program information every year, or as requested by the board.

(6) Comply with any future changes in training standards and guidelines in order to maintain approved status.

(7) Notify the board of any changes in overall curriculum plan or major curriculum content changes prior to implementation.

(8) Notify the board of changes in program director or instructors.

NEW SECTION

WAC 308-121-140 DENIAL OF APPROVAL OR WITHDRAWAL OF APPROVAL FOR PROGRAMS FOR WHICH THE BOARD IS THE APPROVING AUTHORITY. (1) The board may deny approval to new programs when it determines that a nursing assistant training program fails substantially to meet the standards for training as contained in WAC 308-121-160 through 308-121-180. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing assistant training as contained in WAC 308-121-160 through 308-121-180. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

NEW SECTION

WAC 308-121-145 REINSTATEMENT OF APPROVAL. The board may consider reinstatement of withdrawn approval of a nursing assistant training program upon submission of satisfactory evidence that the program meets the standards of nursing assistant training, WAC 308-121-160 through 308-121-180.

NEW SECTION

WAC 308-121-150 APPEAL OF BOARD DECISIONS. A nursing assistant training program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-121-155 CLOSING OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM. When a facility decides

to close a program it shall notify the board in writing, stating the reason and the date of intended closing.

NEW SECTION

WAC 308-121-160 PROGRAM DIRECTORS AND INSTRUCTORS IN APPROVED TRAINING PROGRAMS. (1) The program director will be a registered nurse licensed in the state of Washington.

(2) The program director will complete a "train-the trainer" program approved by the state or have demonstrated competence to teach adults as defined by the state.

(3) The program director will have a minimum of three years of experience as an RN, of which at least one year will be in direct patient care.

(4) Program director responsibilities:

(a) Develop and implement a curriculum which meets as a minimum the requirements of WAC 308-121-170.

(b) Assure compliance with and assume responsibility for all regulations as stipulated in WAC 308-121-165 through 308-121-180.

(c) Directly supervise each course offering.

(d) Create and maintain an environment conducive to teaching and learning.

(e) Select and supervise all other instructors involved in the course, to include clinical instructors.

(f) Assure that students are not asked to, nor allowed to, perform any clinical skill with patients or clients until first demonstrating the skill satisfactorily to an instructor in a practice setting.

(g) Assure evaluation of competency of knowledge and skills of students before issuance of verification of completion of the course.

(h) Assure that students receive a verification of completion when requirements of the course have been satisfactorily met.

(5) Additional instructional staff:

(a) The program director may select instructional staff to assist in the teaching of the course, teaching in their area of expertise.

(b) All instructional staff must have a minimum of one year experience within the past three years in caring for the elderly and/or chronically ill of any age.

(c) A guest lecturer, or individual with expertise in a specific course unit may be utilized for the teaching of that unit, following the program director's review of the currency of the content.

(d) All instructional staff must be, where applicable, currently licensed, registered, and/or certified in their field in the state of Washington.

(e) Instructional staff may assist the program director in development of curriculum, teaching modalities, and evaluation but will in all cases be under the supervision of the program director.

NEW SECTION

WAC 308-121-165 STUDENTS (TRAINEES) IN APPROVED TRAINING PROGRAMS. (1) Students shall register with the department within three days of hire at a health care facility.

(2) Students shall wear name tags which clearly identify them as students or trainees at all times in interactions with patients, clients, and families.

NEW SECTION

WAC 308-121-170 CORE CURRICULUM IN APPROVED TRAINING PROGRAMS. (1) Curriculum will be competency based; that is composed of learning objectives and activities that will lead to the attainment of knowledge and skills required for the graduate to demonstrate mastery of the core competencies CNAs must hold, as per WAC 308-121-110.

(2) The program director will determine the amount of time required in the curriculum to achieve the objectives as above. The time designated will be expected to vary with characteristics of the learners and teaching/learning variables. In no case will the hours be less than eighty-five hours total, comprised of thirty-five hours of classroom training and fifty hours of clinical training.

(a) Of the thirty-five hours of classroom training, no less than seven hours must be in AIDS education and training, in the subject areas of: Epidemiology, pathophysiology, infection control guidelines, testing and counseling, legal and ethical issues, medical records, clinical manifestations and diagnosis, treatment and disease management, and psychosocial and special group issues.

(b) Training to orient the student to the health care facility and facility policies and procedures are not to be included in the minimum hours above.

(3) Each unit of the core curriculum will have:

(a) Behavioral objectives, that is statements of specific observable actions and behaviors that the learner is to perform or exhibit.

(b) An outline of information the learner will need to know in order to meet the objectives.

(c) Learning activities (that is, lecture, discussion, readings, film, clinical practice, etc.) that are designed to enable the student to achieve the stated objectives.

(4) Clinical teaching in a given competency area will be closely correlated with classroom teaching, to facilitate the integration of knowledge with manual skills.

An identified instructor(s) will supervise clinical teaching/learning at all times. At no time will the ratio of students to instructor exceed ten students to one instructor in the clinical setting.

(5) The curriculum will include evaluation processes to assure mastery of competencies. Written and oral tests and clinical practical demonstrations are common methods. Students will not be asked to, nor allowed to, perform any clinical skill on patients or clients until first demonstrating the skill satisfactorily to an instructor in the practice setting.

NEW SECTION

WAC 308-121-175 PHYSICAL RESOURCES FOR APPROVED EDUCATION PROGRAMS. (1) Classroom facilities must provide adequate space, lighting, comfort, and privacy for effective teaching and learning.

(2) Adequate classroom resources, such as chalkboard, AV materials, written materials, etc., with which to accomplish program objectives must be available.

(3) Adequate resources must also be provided for teaching and practice of clinical skills and procedures, before implementation of such skills with patients or residents.

NEW SECTION

WAC 308-121-180 ADMINISTRATIVE PROCEDURES FOR APPROVED NURSING ASSISTANT TRAINING PROGRAMS.

(1) A student file will be established and maintained for each student enrolled which includes dates attended, evaluation (test) results, a skills evaluation checklist with dates of skills testing and signature of evaluator, and documentation of successful completion of the course, or other outcome.

Each student file will be maintained by the institution for a period of thirty-five years, and copies of documents made available to students who request them.

(2) Verification of successful completion of the course of training will be provided to the board of nursing on forms provided by the board.

(3) Training evaluation and verification of successful completion of the course, including mastery of the required knowledge and skills, will be determined by the program director separately from other employee/employer issues. Verification of completion will not be withheld from a student who has successfully met the requirements of the course.

(4) Failure to adhere to administrative requirements for programs may result in withdrawal of approval status by the board.

NEW SECTION

WAC 308-173-210 STANDARDS OF PRACTICE AND COMPETENCIES OF NURSING ASSISTANTS. The following standards are supported by statements of the competencies that a nursing assistant must hold to meet the standard to be certified to practice in the state of Washington. The competencies are statements of skills and knowledge, and are written as descriptions of behaviors which can be observed and measured. All competencies are performed, as per RCW 18.52B.030, under the direction and supervision of a licensed (registered) nurse or licensed practical nurse. The level or depth of accomplishment of any given competency is as appropriate to the "assisting" role of basic nursing care under supervision of the licensed nurse.

(1) Basic technical skills. The nurse assistant demonstrates basic technical skills which facilitates an optimal level of functioning for the

client, recognizing individual, cultural, and religious diversity. Competencies:

(a) Demonstrates proficiency in cardiopulmonary resuscitation (CPR).

(b) Takes and records vital signs.

(c) Measures and records height and weight.

(d) Measures and records fluid and food intake and output of client.

(e) Recognizes and reports abnormal signs and symptoms of common diseases and conditions.

(f) Demonstrates sensitivity to client's emotional, social, and mental health needs.

(g) Makes observations of client's environment to ensure safety and comfort of client.

(h) Participates in care planning and nursing reporting process.

(2) Personal care skills. The nurse assistant demonstrates basic personal care skills. Competencies:

(a) Assists client with bathing, mouth care, and skin care.

(b) Assists client with grooming and dressing.

(c) Provides toileting assistance to client.

(d) Assists client with eating and hydration.

(e) Utilizes proper feeding techniques.

(3) Mental health and social service needs. The nurse assistant demonstrates the ability to identify the psychosocial characteristics of all clients including persons with mental retardation, mental illness, dementia, Alzheimer's disease, and related disorders. Competencies:

(a) Modifies his/her own behavior in response to the client's behavior.

(b) Identifies adaptations necessary to accommodate the aging process.

(c) Provides training in, and the opportunity for, self care according to clients' capabilities.

(d) Demonstrates skills supporting client's personal choices.

(e) Identifies ways to use the client's family as a source of emotional support for the patient.

(4) Basic restorative services. The nurse assistant incorporates principles and skills of restorative nursing in providing nursing care. Competencies:

(a) Demonstrates knowledge and skill in using assistive devices in ambulation, eating, and dressing.

(b) Demonstrates knowledge and skill in the maintenance of range of motion.

(c) Demonstrates proper techniques for turning/positioning client in bed and chair.

(d) Demonstrates proper techniques for transferring client.

(e) Demonstrates knowledge about methods for meeting the elimination needs of clients.

(f) Demonstrates knowledge and skill for the care and use of prosthetic devices.

(5) Clients' rights and promotion of clients' independence. The nurse assistant demonstrates behavior which maintains and respects clients' rights and promotes clients' independence, regardless of race, religion, life-style, sexual preference, disease process, or ability to pay. Competencies:

(a) Recognizes that the client has the right to participate in decisions about his/her care.

(b) Recognizes and respects the clients' need for privacy and maintenance of confidentiality.

(c) Promotes and respects the client's right to make personal choices to accommodate their needs.

(d) Reports client's concerns.

(e) Provides assistance in getting to and participating in activities.

(f) Provides care of client's personal possessions.

(g) Provides care which maintains the client free from abuse, mistreatment or neglect; and reports any instances to appropriate facility staff.

(h) Maintains the client's environment and care through appropriate nurse assistant behavior so as to minimize the need for physical and chemical restraints.

(6) Communication and interpersonal skills. The nurse assistant uses communication skills effectively in order to function as a member of the nursing team. Competencies:

(a) Reads, writes, speaks, and understands English at the level necessary for performing duties of the nursing assistant.

(b) Listens and responds to verbal and nonverbal communication in an appropriate manner.

(c) Recognizes how one's own behavior influences client's behavior and know resources for obtaining assistance in understanding client's behavior.

(d) Makes adjustments for client's physical or mental limitations.

(e) Uses terminology accepted in the nursing facility to record and report observations and pertinent information.

(f) Records and reports observations, actions, and information accurately and timely.

(g) Demonstrates ability to explain policies and procedures before and during care of the client.

(7) Infection control. The nurse assistant uses procedures and techniques to prevent the spread of microorganisms. Competencies:

(a) Uses principles of medical asepsis and demonstrates infection control techniques and universal precautions.

(b) Explains how disease causing microorganisms are spread; lists ways that HIV and Hepatitis B can spread from one person to another.

(c) Demonstrates knowledge of cleaning agents and methods which destroy microorganisms on surfaces.

(8) Safety/emergency procedures. The nurse assistant demonstrates the ability to identify and implement safety/emergency procedures. Competencies:

(a) Provides adequate ventilation, warmth, light, and quiet measures.

(b) Uses measures that promote comfort, rest, and sleep.

(c) Promotes clean, orderly, and safe environment and equipment for the client.

(d) Identifies and utilizes measures for accident prevention.

(e) Identifies and demonstrates principles of body mechanics.

(f) Demonstrates proper use of protective devices in care of clients.

(g) Demonstrates knowledge of fire and disaster procedures.

(h) Identifies and demonstrates principles of health and sanitation in the service of food.

(i) Demonstrates the proper use and storage of cleaning agents and other potentially hazardous materials.

(9) Rules and regulations knowledge. The nurse assistant demonstrates knowledge of and is responsive to the laws and regulations which affect his/her practice including but not limited to: Client abuse and neglect, client complaint procedures, workers right to know, and the Uniform Disciplinary Act.

NEW SECTION

WAC 308-173-220 PURPOSE OF REVIEW AND APPROVAL OF CERTIFIED NURSING ASSISTANT TRAINING PROGRAMS. The board of nursing approves curriculum in nursing assistant education programs qualifying for admission to examination for certification for the following purposes:

(1) To assure preparation for safe practice as a nursing assistant by setting minimum standards for education programs.

(2) To provide guidance for the development of new training programs.

(3) To facilitate the career mobility of certified nursing assistants in articulating into nursing educational programs in other levels of nursing.

(4) To identify training standards and achieved competencies of certified nursing assistants in the state of Washington for the purpose of interstate communications and endorsements.

NEW SECTION

WAC 308-173-230 REQUIREMENTS FOR NURSING ASSISTANT EDUCATION AND TRAINING PROGRAM APPROVAL. Those institutions or facilities seeking approval to offer a program of training which qualifies graduates to apply for certification, in addition to other agency program approval requirements, must:

(1) Request an application/guidelines packet from department of health, professional licensing. The packet will include forms and instructions for the program to submit:

(a) Program objectives.

(b) Curriculum content outline.

(c) Qualifications of program director and additional instructional staff.

(d) Agency agreements as appropriate.

(e) A sample lesson plan for one unit.

(f) A sample skills checklist.

(g) Description of physical resources.

(h) Statement of assurance of compliance with administrative guidelines.

(2) If a program currently in existence as an approved program on the date of implementation of this code, submit the completed application, including all forms, fees, and assurances as specified, within sixty days of the effective date of the code for review for reapproval of the program.

(3) If a program not currently holding approval status, submit the completed application packet and fees as instructed, with all forms and assurances as specified, sixty days prior to the anticipated start date of the first class offered by the institution.

(4) Agree to on-site survey of the training program, as requested by the board, on a date mutually agreed upon by the institution and the board. This on-site visit will be coordinated with other on-site review requirements when possible.

(5) Provide review and update of program information every year, or as requested by the board or educational agency.

(6) Comply with any future changes in education standards and guidelines in order to maintain approved status.

(7) Notify the board and education agency of any changes in overall curriculum plan or major curriculum content changes prior to implementation.

(8) Notify the board and education agency of changes in program director or instructors.

NEW SECTION

WAC 308-173-240 DENIAL OF APPROVAL OR WITHDRAWAL OF APPROVAL FOR PROGRAMS FOR WHICH THE BOARD IS THE APPROVING AUTHORITY. (1) The board may deny approval to new programs when it determines that a nursing assistant training program fails substantially to meet the standards for training as contained in WAC 308-173-260 through 308-173-280. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing assistant training as contained in WAC 308-173-260 through 308-173-280. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

NEW SECTION

WAC 308-173-245 REINSTATEMENT OF APPROVAL. The board may consider reinstatement of withdrawn approval of a nursing assistant training program upon submission of satisfactory evidence that the program meets the standards of nursing assistant training, WAC 308-173-260 through 308-173-280.

NEW SECTION

WAC 308-173-250 APPEAL OF BOARD DECISIONS. A nursing assistant training program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-173-255 CLOSING OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM. When a governing institution decides to close a program it shall notify the board in writing, stating the reason and the date of intended closing.

NEW SECTION

WAC 308-173-260 PROGRAM DIRECTORS AND INSTRUCTORS IN APPROVED TRAINING PROGRAMS. (1) The program director will be a registered nurse licensed in the state of Washington.

(2) The program director will meet the minimum qualifications for instructors as required by the superintendent of public instruction in chapter 180-77 WAC or the state board for community college education in chapter 131-16 WAC.

(3) The program director will complete a "train-the-trainer" program approved by the state or have demonstrated competence to teach adults as defined by the state.

(4) The program director will have a minimum of three years of experience as an RN, of which at least one year will be in direct patient care.

(5) Program director responsibilities:

(a) Develop and implement a curriculum which meets as a minimum the requirements of WAC 308-173-270.

(b) Assure compliance with and assume responsibility for all regulations as stipulated in WAC 308-173-265 through 308-173-280.

(c) Directly supervise each course offering.

(d) Create and maintain an environment conducive to teaching and learning.

(e) Select and supervise all other instructors involved in the course, to include clinical instructors.

(f) Assure that students are not asked to, nor allowed to, perform any clinical skill with patients or clients until first demonstrating the skill satisfactorily to an instructor in a practice setting.

(g) Assure evaluation of competency of knowledge and skills of students before issuance of verification of completion of the course.

(h) Assure that students receive a verification of completion when requirements of the course have been satisfactorily met.

(6) Additional instructional staff:

(a) The program director may select instructional staff to assist in the teaching of the course, teaching in their area of expertise.

(b) All instructional staff must have a minimum of one year experience within the past three years in caring for the elderly and/or chronically ill of any age.

A guest lecturer, or individual with expertise in a specific course unit may be utilized for the teaching of that unit, following the program director's review of the currency of the content.

(c) All instructional staff must be, where applicable, currently licensed, registered, and/or certified in their field in the state of Washington.

(d) Instructional staff may assist the program director in development of curriculum, teaching modalities, and evaluation but will in all cases be under the supervision of the program director.

NEW SECTION

WAC 308-173-265 STUDENTS (TRAINEES) IN APPROVED TRAINING PROGRAMS. (1) Students shall register with the department within three days of hire at a health care facility.

(2) Students shall wear name tags which clearly identify them as students or trainees at all times in interactions with patients, clients, and families.

NEW SECTION

WAC 308-173-270 CORE CURRICULUM IN APPROVED TRAINING PROGRAMS. (1) Curriculum will be competency based; that is composed of learning objectives and activities that will lead to the attainment of knowledge and skills required for the graduate to demonstrate mastery of the core competencies CNAs must hold, as per WAC 308-173-210.

(2) The program director will determine the amount of time required in the curriculum to achieve the objectives as above. The time designated will be expected to vary with characteristics of the learners and teaching/learning variables. In no case will the hours be less than eighty-five hours total, comprised of no less than thirty-five hours of classroom training and no less than fifty hours of clinical training.

(a) Of the thirty-five hours of classroom training, no less than seven hours must be in AIDS education and training, in the subject areas of: Epidemiology, pathophysiology, infection control guidelines, testing and counseling, legal and ethical issues, medical records, clinical manifestations and diagnosis, treatment and disease management, and psychosocial and special group issues.

(b) Training to orient the student to the health care facility and facility policies and procedures are not to be included in the minimum hours above.

(3) Each unit of the core curriculum will have:

(a) Behavioral objectives, that is statements of specific observable actions and behaviors that the learner is to perform or exhibit.

(b) An outline of information the learner will need to know in order to meet the objectives.

(c) Learning activities (that is, lecture, discussion, readings, film, clinical practice, etc.) that are designed to enable the student to achieve the stated objectives.

(4) Clinical teaching in a given competency area will be closely correlated with classroom teaching, to facilitate the integration of knowledge with manual skills.

(a) An identified instructor(s) will supervise clinical teaching/learning at all times. At no time will the ratio of students to instructor exceed ten students to one instructor in the clinical setting.

(5) The curriculum will include evaluation processes to assure mastery of competencies. Written and oral tests and clinical practical demonstrations are common methods. Students will not be asked to, nor allowed to, perform any clinical skill on patients or clients until first demonstrating the skill satisfactorily to an instructor in the practice setting.

NEW SECTION

WAC 308-173-275 PHYSICAL RESOURCES FOR APPROVED EDUCATION PROGRAMS. (1) Classroom facilities must provide adequate space, lighting, comfort, and privacy for effective teaching and learning.

(2) Adequate classroom resources, such as chalkboard, AV materials, written materials, etc., with which to accomplish program objectives must be available.

(3) Adequate resources must also be provided for teaching and practice of clinical skills and procedures, before implementation of such skills with patients or residents.

NEW SECTION

WAC 308-173-280 ADMINISTRATIVE PROCEDURES FOR APPROVED NURSING ASSISTANT TRAINING PROGRAMS. (1) A student file will be established and maintained for each student enrolled which includes dates attended, evaluation (test) results, a skills evaluation checklist with dates of skills testing and signature of evaluator, and documentation of successful completion of the course, or other outcome.

Each student file will be maintained by the institution for a period of thirty-five years, and copies of documents made available to students who request them.

(2) Verification of successful completion of the course of training will be provided to the board of nursing on forms provided by the board.

(3) For those programs based in a health care facility: Training evaluation and verification of successful completion of the course, including mastery of the required knowledge and skills, will be determined by the program director separately from other employee/employer issues. Verification of completion will not be withheld from a student who has successfully met the requirements of the course.

(4) Programs which are not sponsored by a health care facility, must submit with their application for approval an affiliation agreement between the educational institution and the health care facility which will provide the program access to the experience needed for clinical teaching. This agreement must specify the rights and responsibilities of both parties, students and clients.

(5) Failure to adhere to administrative requirements for programs may result in withdrawal of approval status by the board.

WSR 90-10-085

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90.13—Filed May 2, 1990, 2:30 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-303-281 Notice of intent and 173-303-806 Final facility permits; new section WAC 173-303-282 Siting criteria and 173-303-355 Superfund Amendments and Reauthorization Act Title III coordination; and repealing WAC 173-303-420 Siting standards.

Purpose: The proposed siting criteria will serve as an initial screen in the consideration of sites for dangerous waste management facilities. The permit amendments

address additional engineering and locational factors which are evaluated during the permitting process.

Statutory Authority for Adoption: RCW 43.21A.080 and 70.105.210, et seq.

Statute Being Implemented: RCW 70.105.210 et seq.

Summary: RCW 70.105.210 requires the Department of Ecology to develop and adopt criteria for the siting of hazardous waste management facilities.

Name of Agency Personnel Responsible for Drafting: Curtis Dahlgren, Olympia, (206) 438-7595; Implementation: Cindy Gilder, Olympia, (206) 438-7019; and Enforcement: Tom Eaton, Olympia, (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: The purpose of the siting criteria is to immediately disqualify proposed dangerous waste facility sites in locations considered unsuitable or inappropriate for the management of dangerous waste. A proposed site which is not disqualified under these criteria will be further studied to determine if it qualifies under site specific rules. The proposed permit amendments clarify the permit process. This information will be used in determining the standards to be met regarding the design and location of a facility.

Proposal Changes the Following Existing Rules: The existing siting in WAC 173-303-420 will be repealed with the adoption of the proposed siting criteria in WAC 173-303-282. The proposed siting criteria are more comprehensive than the existing siting criteria.

Small Business Economic Impact Statement: An economic analysis compliance document is shown below. The Small Business Economic Impact Statement is on file at the Department of Ecology. Persons wishing to obtain a copy of this document should contact the department at (206) 438-7595.

ECONOMIC ANALYSIS COMPLIANCE DOCUMENT Siting Criteria for Dangerous Waste Management Facilities

Ecology has proposed a regulation that includes a set of criteria governing the siting of new dangerous waste management facilities and the expansion of existing ones. The purpose of the regulation is to minimize both short-term and long-term risks and costs inherent in the operation of such facilities. Sites meeting the criteria would later be subjected to ecology's permitting process to further determine their suitability to protect the environment and human health.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. More than 10% of the industries having the standard industrial classification (SIC) codes identified on the attached table will be affected by the amendment.

The estimated total cost impacts range from \$4,350-9,450 for nonland-based facilities (excluding incinerators), \$4,6500 [4,650]-20,850 for land-based facilities,

and \$4,425-11,925 for incineration facilities. The rule amendments are expected to have a disproportional impact on the small businesses in the listed sectors.

The Small Business Economic Impact Statement is on file at the Department of Ecology. Persons wishing to obtain a copy of this document should contact Curtis Dahlgren at (206) 438-7595.

Table XII-1

Number of Firms/Facilities by Size and Industrial Sector (1987 - 1988)

No. of Establishments with:
 ≤ 50 employees > 50 employees

Industry Group	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
Metal Mining				
109 Misc. Metal Ores (SIC 1099)	3	0	0	1
Manufacturing				
223 Broad wov. Fab (SIC 2231)	na ^c	0	na	1
243 Millwork, Plywood structural members (SIC 2436)	225	0	52	1
249 Misc. Wood Prod. (SIC 2491)	111	0	10	2
261 Pulp Mills (SIC 2611)	3	0	8	1
263 Paperboard Mills (SIC 2631)	na	0	na	1
264 Misc. Conv. Paper products (SIC 2641)	24	0	15	1
281 Indust Inorg Chem (SIC 2812, 2819)	20	1	7	4
282 Plastic Materials, & Synthetics (SIC 2821)	na	1	na	0
285 Paints/Allied Prod (SIC 2851)	20	1	4	0
286 Indust Org Chem (SIC 2865, 2869)	5	3	3	2
287 Agri. Chemicals (SIC 2879)	19	1	3	0
289 Misc Chem Prod (SIC 2899)	27	1	0	0
291 Petroleum Refining (SIC 2911)	7	1	5	4
299 Misc Petrol Prod. (SIC 2992, 2999)	3	2	0	1-na
307 Misc Plastic Prod (SIC 3079)	159	1-na	34	0
331 Blast Furnace & Basic Steel (SIC 3312)	12	0	3	1

Table XII-1 (continued)

Number of Firms/Facilities by Size and Industrial Sector (1987 - 1988)

No. of Establishments with:
 ≤ 50 employees > 50 employees

Industry Group	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
Wholesale Trade				
506 Electric. Goods (SIC 5063)	786	1	27	0
508 Mach/Equip/Supp (SIC 5084)	2582	1-na	83	1-na
516 Chemicals & Allied Prod (SIC 5161)	177	1	3	1
517 Petroleum & Pet. Products	205	1	10	0
Services				
738 Misc. Serv. (SIC 7389)	na	1	na	0
739 Misc. Bus. Serv (SIC 7399)	3321	2	95	0
891 Eng/Arch Serv (SIC 8911)	1121	0	52	1
899 Services, NEC (SIC 8999)	83	1	0	0
Total Firms	11,745		663	
Total Facilities		26		43

^a From: Washington Department of Employment Security, 1989b.
^b From: Washington Department of Ecology, 1987.
^c "na" means no answer

In some cases the number of large or small statewide firms is smaller than the number of TSD facilities listed. This is due to the discrepancies between firms reporting to the State Department of Employment Security and to WA Department of Ecology.

Table XII-1 (continued)

Number of Firms/Facilities by Size and Industrial Sector (1987 - 1988)

No. of Establishments with:
 ≤ 50 employees > 50 employees

Industry Group	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
333 Pri Nonfer Metals (SIC 3334, 3339)	5	0	11	4
335 Nonferrous Rolling & Drawing (SIC 3353)	11	0	10	1
339 Misc Pri Metals Prod (SIC 3393)	9	0	0	1
341 Metal Cans/Ship Containers (SIC 3411)	7	0	4	1
347 Metal Services (SIC 3471)	54	1	5	2
349 Misc Fab Metal Prod (SIC 3496)	68	0	6	1
356 Gen. Indust. Mach (SIC 3564)	40	1	4	0
357 Office/Comput. Mach (SIC 3573)	33	0	14	1
366 Comm Equip (SIC 3662)	43	0	12	1
367 Electron. Components & Acces. (SIC 3674)	79	0	21	1
372 Aircraft & Parts (SIC 3721)	117	0	38	6
376 Guided Missiles (SIC 3761)	na	0	na	1
382 Meas/Control Dev (SIC 3825)	58	0	14	1
393 Musical Instru (SIC 3931)	15	1	0	0
Trans/Comm/Utilities				
421 Trucking, Local & Long Dist (SIC 4212)	1941	1	97	0
446 Water Trans (SIC 4463)	136	0	10	1
495 Sanitary Serv. (SIC 4953)	119	2	6	1-na

New subsection WAC 173-303-806 (4)(a)(xxi), Contingent ground water protection program for land-based dangerous waste management facilities.

Ecology is proposing a new subsection to the dangerous waste regulations that impose additional ground water requirements on proposed land-based facilities and expansion of existing land-based facilities.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than 20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. More than 10% of the industries having the standard industrial classification (SIC) codes identified on the attached table will be affected by the amendment.

The estimated total cost impacts range from \$48,000 to \$369,000. The rule amendments are expected to have a disproportional impact on the small businesses in the listed sectors.

Potential mitigation measures were identified but are not considered to be legal or feasible.

The Small Business Economic Impact Statement is on file at the Department of Ecology. Persons wishing to obtain a copy of this document should contact Curtis Dahlgren at (206) 438-7595.

Table XII-5
Number of Firms by Size and Industrial Sector
(Existing and Proposed in 1990)

Industry Group	No. of Establishments with			
	< 50 employees		> 50 employees	
	Total # ^a Firms	bLBFs	Total # ^a Firms	bLBFs
Metal Mining				
109 Misc. Metal Ores	3	0	0	1
Manufacturing				
223 Broadwoven Fabric	na	0	na	1
243 Millwork, Plywood, Structural Members	225	0	52	1
249 Misc. Wood Products	111	0	10	1
281 Indus. Inorg. Chem.	20	0	7	2
282 Plastic/Materials/Synthetics	na	1	na	0
286 Indus. Org. Chem.	5	0	3	1
287 Agricultural Chem	19	1	3	0
291 Petroleum Refining	7	0	5	4
333 Primary Nonferr. Metals	5	0	11	3
347 Metal Services	54	1-na	5	1-na
393 Musical Instruments	15	1	0	0
Trans/Comm/Utilities				
495 Sanitary Services	119	1	6	1
		1-na		1-na
Services				
739 Misc Business Services	3321	1	25	0
Total	3904	5	197	15

^aFrom: Washington Department of Employment Security, 1989b
^bFrom: Ecology, 1990b, LBFs means land-based facilities
^c"na" means no answer

note: In some cases, the total number of businesses in an SIC group statewide is lower than the number of land disposal facilities. This is due to discrepancies between firms reporting to the WA Department of Employment Security and to WA Department of Ecology.

New subsection WAC 173-303-806 (4)(a)(xi), Seismic risk consideration.

Ecology is proposing a new subsection to the dangerous waste regulations which will clarify the information and design requirements for new dangerous waste management facilities and expansions of existing dangerous waste management facilities.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an impact on more than

20 percent of all industry or 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small business. More than 10% of the industries having the standard industrial classification (SIC) codes identified on the attached table will be affected by the amendment.

The estimated total cost impacts for a seismic risk assessment range from \$100-20,000. The estimated total cost impacts for designing and constructing a facility to withstand the maximum horizontal acceleration of a design earthquake specified in the seismic risk assessment may be extremely high, particularly for a major facility in an area of high seismic risk. This rule amendment is expected to have a disproportional impact on the small businesses in the listed sectors.

Table XII-1
Number of Firms/Facilities by Size and Industrial Sector
(1987 - 1988)

Industry Group	No. of Establishments with:			
	≤ 50 employees		> 50 employees	
	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
Metal Mining				
109 Misc. Metal Ores (SIC 1099)	3	0	0	1
Manufacturing				
223 Broad wov. Fab (SIC 2231)	na ^c	0	na	1
243 Millwork, Plywood structural members (SIC 2436)	225	0	52	1
249 Misc. Wood Prod. (SIC 2491)	111	0	10	2
261 Pulp Mills (SIC 2611)	3	0	8	1
263 Paperboard Mills (SIC 2631)	na	0	na	1
264 Misc. Conv. Paper products (SIC 2641)	24	0	15	1
281 Indus Inorg Chem (SIC 2812, 2819)	20	1	7	4
282 Plastic Materials, & Synthetics (SIC 2821)	na	1	na	0
285 Paints/Allied Prod (SIC 2851)	20	1	4	0
286 Indust Org Chem (SIC 2865, 2869)	5	3	3	2
287 Agri. Chemicals (SIC 2879)	19	1	3	0
289 Misc Chem Prod (SIC 2899)	27	1	0	0
291 Petroleum Refining (SIC 2911)	7	1	5	4
299 Misc Petrol Prod. (SIC 2992, 2999)	3	2	0	1-na
307 Misc Plastic Prod (SIC 3079)	159	1-na	34	0
331 Blast Furnace & Basic Steel (SIC 3312)	12	0	3	1

Table XII-1 (continued)
Number of Firms/Facilities by Size and Industrial Sector
(1987 - 1988)

Industry Group	No. of Establishments with:			
	≤ 50 employees		> 50 employees	
	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
Wholesale Trade				
506 Electric Goods (SIC 5063)	786	1	27	0
508 Mach/Equip/Supp (SIC 5084)	2582	1	83	1-na
516 Chemicals & Allied Prod (SIC 5161)	177	1	3	1
517 Petroleum & Pet. Products	205	1	10	0
Services				
738 Misc. Serv. (SIC 7389)	na	1	na	0
739 Misc. Bus. Serv (SIC 7399)	3321	2	95	0
891 Eng/Arch Serv (SIC 8911)	1121	0	52	1
899 Services, NEC (SIC 8999)	83	1	0	0
Total Firms	11,745		663	
Total Facilities		26		43

^a From: Washington Department of Employment Security, 1989b.
^b From: Washington Department of Ecology, 1987.
^c "na" means no answer

In some cases the number of large or small statewide firms is smaller than the number of TSD facilities listed. This is due to the discrepancies between firms reporting to the State Department of Employment Security and to WA Department of Ecology.

Table XII-1 (continued)
Number of Firms/Facilities by Size and Industrial Sector
(1987 - 1988)

Industry Group	No. of Establishments with:			
	≤ 50 employees		> 50 employees	
	Total No. of Firms ^a	TSDs ^b	Total No. of Firms ^a	TSDs ^b
333 Pri Nonfer Metals (SIC 3334, 3339)	5	0	11	4
335 Nonferrous Rolling & Drawing (SIC 3353)	11	0	10	1
339 Misc Pri Metals Prod (SIC 3393)	9	0	0	1
341 Metal Cans/Ship Containers (SIC 3411)	7	0	4	1
347 Metal Services (SIC 3471)	54	1	5	2
349 Misc Fab Metal Prod (SIC 3496)	68	0	6	1
356 Gen. Indust. Mach (SIC 3564)	40	1	4	0
357 Office/Comput. Mach (SIC 3573)	33	0	14	1
366 Comm Equip (SIC 3662)	43	0	12	1
367 Electron. Components & Acces. (SIC 3674)	79	0	21	1
372 Aircraft & Parts (SIC 3721)	117	0	38	6
376 Guided Missiles (SIC 3761)	na	0	na	1
382 Meas/Control Dev (SIC 3825)	58	0	14	1
393 Musical Instru (SIC 3931)	15	1	0	0
Trans/Comm/Utilities				
421 Trucking, Local & Long Dist (SIC 4212)	1941	1	97	0
446 Water Trans (SIC 4463)	136	0	10	1
495 Sanitary Serv. (SIC 4953)	119	2	6	1-na

Hearing Location: Tuesday, June 5, 1990, King County Building and Land Division, Hearing Room 2, 3600 136th Place S.E., Bellevue, WA; on Wednesday, June 6, 1990, Whatcom County Courthouse, Chambers, 311 Grand, Bellingham, WA; on Thursday, June 7, 1990, Kelso High School, Conference Room, Kelso,

WA; on Monday, June 11, 1990, Tacoma, Tacoma World Trade Center, Main Conference Room, 3600 Port of Tacoma Road, Tacoma, WA; on Tuesday, June 12, 1990, Spokane, Spokane Health Department, Auditorium Room 140, 1101 College Street, Spokane, WA; on Wednesday, June 13, 1990, Superior Courtroom, Adams County Courthouse, 210 West Broadway, Ritzville, WA; and on Thursday, June 14, 1990, Big Bend Community College, Student Center Auditorium, Moses Lake, WA.

Submit Written Comments to: Curtis Dahlgren, Department of Ecology, Olympia, Washington 98504, by June 22, 1990.

Date of Intended Adoption: August 15, 1990.

May 2, 1990
Christine O. Gregoire
Director

AMENDATORY SECTION (Amending Order 88-29, filed 9/6/88)

WAC 173-303-281 NOTICE OF INTENT. (1) Purpose. The purpose of this section is to provide notification to the department, local communities and the public that the siting of a dangerous waste management facility is being considered. Also, to provide general information about the proposed facility owner/operator, the type of facility and the types of wastes to be managed and compliance with the siting ((standards)) criteria.

(2) Applicability. This section applies to owners ((and)) operators of proposed facilities. This section also applies to ((owners and operators of)) existing facilities ((with interim or final status)) for which the department receives an application for expansion. This section does not apply to owners/operators of facilities or portions of facilities who are 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 owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804 or to persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order. As used in this section:

(a) "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)) which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section;

(b) "Existing facility" 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)) which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806 prior to the effective date of this section; and

(c) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final 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.

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, 70.105B, and 90.48 RCW.))

(3) Notice of intent to file for an interim status or a dangerous waste permit.

(a) The notice of intent to be prepared by the owners/operators of the applicable facilities shall consist of:

(i) The name, address, and telephone number of the owner, operator, and corporate officers;

(ii) The location of the proposed facility or expansion on a topographic map with specifications as detailed in WAC 173-303-806 (4)(a)(xviii);

(iii) A brief description of the types and amounts of wastes to be managed annually;

(iv) A brief description of the major equipment items proposed, if any, and the waste management activities requiring a permit or revision of an existing permit;

(v) An environmental checklist from the State Environmental Policy Act rules, chapter 197-11 WAC;

(vi) ~~(Documentation that the proposed facility or expansion site meets the requirements of WAC 173-303-420, Siting standards. Preliminary ground water characterization based on available data shall also be provided.)~~ Demonstration of compliance with the siting criteria as required under WAC 173-303-282 (6) and (7). The site conditions with regards to satisfying the criteria are to be assessed as of the date of submittal of the notice of intent to the department;

(vii) For informational purposes a complete summary of compliance violations of permit conditions at hazardous waste management facilities owned or operated by the applicant, its subsidiaries or its parent company, during the ten calendar years preceding the permit application. Along with the summary of compliance violations, as issued by appropriate state or federal regulatory agencies, the applicant shall also submit responses to past violations and any written correspondence with regulatory agencies regarding the compliance status of any hazardous waste management facility owned or operated by the applicant, its subsidiaries or parent company of the owner or operator. A more detailed compliance record must be provided upon request by the department;

(viii) For informational purposes the need for the proposed facility or expansion shall be demonstrated by one of the following methods:

(A) Current overall capacity within Washington is inadequate for dangerous wastes generated in Washington as determined by regional or state dangerous waste management plans; or

(B) The facility is a higher priority management method, as described in RCW 70.105.150, than is currently in place or practical and available for the types of waste proposed to be managed; or

(C) The facility will add to the types of technology available or will reduce cost impacts (not to include transportation costs) to Washington generators for disposal of dangerous wastes; and

(ix) For informational purposes it shall be shown how the capacity of the proposed facility or expansion will affect the overall capacity within the state, in conjunction with existing facilities in Washington.

(b) The notice of intent shall be filed with the department, and copies shall be made available for public review, no less than one hundred fifty days prior to filing an application for a permit or permit revision. Public notification of the notice of intent to file shall be given at the time of filing by announcement in a daily newspaper within the area of the proposed facility or expansion for a minimum of fourteen consecutive days. In addition, the department shall send a copy of the notice of intent to the elected officials of the lead local government and all local governments within the potentially affected area as required by WAC 173-303-902 (5)(b)(i). The department will continue to coordinate with interested local governments throughout the review of the proposal.

(c) Reserved.

NEW SECTION

WAC 173-303-282 SITING CRITERIA. (1) Purpose. This section establishes siting criteria which serve as an initial screen in the consideration of sites for dangerous waste management facilities. The purpose of the siting criteria is to immediately disqualify proposed dangerous waste facility sites in locations considered unsuitable or inappropriate for the management of dangerous wastes. Under RCW 70.105.200 (1)(d), siting criteria cannot prevent existing dangerous waste management facilities from operating at or below their present level of activity.

A proposed site which is not disqualified under these criteria will be further studied to determine if it qualifies under site specific rules. Compliance with the siting criteria does not imply that a given project

at a given location poses an acceptable level of risk, nor does it commit the department to the issuance of a dangerous waste permit. Projects that demonstrate compliance with the siting criteria will be subjected to comprehensive environmental and technical review pursuant to applicable laws and regulations before the department makes a final decision on a dangerous waste permit.

The department may deny a permit or require protective measures such as engineering enhancements or increased setback distances from resources in order to ensure protection of human health and the environment.

(2) Applicability.

(a) This section applies to:

(i) Owners/operators of proposed facilities; and

(ii) Owners or operators of existing land-based facilities at which an expansion is proposed;

(iii) Owners or operators of existing incinerators at which an expansion is proposed; and

(iv) Owners or operators proposing a significant expansion of other existing dangerous waste management facilities not subject to (a)(i), (ii) and (iii) of this subsection, unless the owner/operator can demonstrate to the satisfaction of the department that the proposed expansion will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility. However, demonstrations under this subsection (iv) shall not result in treatment or storage facilities expanding into land-based or incineration facilities if siting criteria cannot be satisfied.

(b) This section does not apply to:

(i) Owners/operators of facilities or portions of facilities who are 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;

(ii) Owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804;

(iii) Persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or the department or United States Environmental Protection Agency; or

(iv) Persons managing solid wastes who become subject to dangerous waste regulations through amendments to this chapter after the effective date of this section. This provision applies only to those activities conducted prior to becoming subject to Dangerous waste regulations, chapter 173-303 WAC or expansions, if it can be demonstrated to the satisfaction of the department that the proposed expansion will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility.

(3) Definitions. Any terms used in this section that are not defined below shall have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms shall have the described meanings:

(a) "Aquifer of beneficial use" means an aquifer that contains sufficient quality and quantity of water to allow it to be withdrawn for beneficial uses which include, but are not limited to, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, or recreational purposes.

(b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(c) "Domestic water use" means any water used for human consumption, other domestic activities or livestock watering for which the department has issued a permit of water right for surface water diversions pursuant to chapter 90.03 RCW, or for a well pursuant to chapter 90.44 RCW, or for which the department has received a well water report pursuant to RCW 18.104.050, or for any other valid water right claimed in accordance with chapter 90.14 RCW. This does not apply to wells abandoned in compliance with chapter 173-160 WAC.

(d) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806, prior to the effective date of this section.

(e) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final facility permit, the addition of a new dangerous waste management process, or an increase in 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) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.

(g) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(h) "Land-based facility" means a dangerous waste management facility which falls under the definition of land disposal as defined in Section 3004(k) of the Resource Conservation and Recovery Act. These facilities include, but are not limited to, landfills, surface impoundments, waste piles, and land treatment facilities. For the purposes of this section, this would not include waste piles in which the dangerous wastes are stored inside or under a structure that provides protection from precipitation and when runoff, leachate, or other types of waste dispersal are not generated under any conditions.

(i) "Nonland based facility" means a facility which does not use the land as an integral part of its waste management method and is not subject to the requirements of WAC 173-303-806 (4)(a)(xxi). These facilities include, but are not limited to, tanks, containers, and incinerators.

(j) "Perennial surface water body" means a surface water body which is normally continuous with natural flows throughout the year or an annually recurring body of water including lakes, rivers, ponds, streams, reservoirs, inland waters, and saltwaters. This does not include roadside ditches or storm drains. However, this definition does apply to irrigation or domestic water supply channels existing, or planned and approved by a governmental agency, at the time an owner/operator submits a notice of intent.

(k) "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.

(l) "Prime farmland" means the land which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. It is permeable to water and air. Prime farmland is not excessively erodible or saturated with water for a long period of time, and it either does not flood frequently or is protected from flooding. Prime farmland shall be determined by those general and specific criteria as defined in the National Soils Handbook, Soil Conservation Service, United States Department of Agriculture, Washington, D.C. and 7 CFR 2.62. Areas of prime farmland are identified in the most recent county soil survey maps prepared by the National Cooperative Soil Survey.

(m) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section.

(n) "Public gathering places" means a place such as a public or private health care or child care facility; an educational institution; a church; a government institution not associated with dangerous waste management; or a retail shopping center.

(o) "Residence" means any dwelling including, but not limited to, private homes, rental homes, boarding houses, apartments, motels, or hotels.

(p) "Significant expansion" means an expansion of an existing facility, operating under interim status or a final status permit, that is considered a class three modification as designated by 40 CFR Parts 270.41 and 270.42. Examples include, but are not limited to, a modification or addition of container units resulting in greater than a twenty-five percent increase in the facility's container storage capacity, storage of different wastes in containers that require additional or different management practices from those authorized under interim status or by a final status permit, and a modification or addition of tank units resulting in greater than twenty-five percent increase in the facility's capacity. For the purposes of this section, a single or cumulative increase of greater than twenty-five percent of the process design capacity as described in the facility's original Part A permit application shall be considered a significant expansion.

(q) "Slope and soil instability" means areas for which there is credible evidence of, or the potential for, landslides, slumps, avalanches, earth or mud flows, or other unsuitable slope conditions.

(r) "Subsidence" means areas for which there is credible evidence of, or potential for, sinking of the land surface. Areas of subsurface mines, caves, cavernous materials, or where there has been significant removal of fluids may provide credible evidence of subsidence.

(s) "Wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification a wetland must have one or more of the following three attributes: (i) At least periodically, the land supports predominantly hydrophytes; (ii) the substrate is predominantly undrained hydric soil; and (iii) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. The Joint Federal Methodology for Identifying and Delineating Wetlands shall be used for defining the upland boundary of wetlands.

(4) Implementation.

(a) Submittal of information to demonstrate compliance. Documentation that a proposed facility or expansion site meets the siting criteria shall be submitted to the department:

(i) In the notice of intent for those facilities for which a notice of intent is filed after the effective date of this section; or

(ii) Within ninety days of the effective date of this section for proposed facilities for which a notice of intent or an application has been submitted to the department prior to the effective date of this section.

(b) Consultation by department. The department shall consult with the lead local government as defined in WAC 173-303-902 (4)(h) and consider those local land use, building, fire, air quality, and transportation standards to the extent they add to and do not conflict with the requirements of this section. Such consultation and consideration shall be made prior to the department's rendering of a tentative decision under subsection (5)(c) of this section.

(c) Response by department. Within sixty days of receipt of a demonstration of compliance, the department shall undertake one of the following actions:

(i) Return the demonstration of compliance as incomplete with written comments identifying the need for additional information. The owner or operator may resubmit the demonstration of compliance with complete information; or

(ii) Render a written tentative decision to approve or deny the demonstration of compliance.

(d) Public notice and hearing process. The department in making a tentative decision to approve or deny a demonstration of compliance with this section shall take the following actions:

(i) For land-based facilities:

(A) The department shall publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and shall give notice by other reasonable methods to persons potentially affected.

(B) The department shall hold a public hearing at a location convenient to the public in the potentially affected area. Notice of the date, time, purpose, and place of the hearing shall be provided in the publication of notice.

(C) The department shall accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner/operator's demonstration of compliance.

(ii) For nonland-based facilities:

(A) The department shall publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and shall give notice by other reasonable methods to persons potentially affected.

(B) Upon the written request of any interested person, the department may hold a public hearing to consider public comments on the owner or operator's demonstration of compliance. A person requesting the hearing shall state the issues to be raised and explain why written comments would not suffice. In any case, if ten or more persons request a public hearing on the subject of the department's tentative decision, the department shall hold a public hearing for the purpose of receiving comments.

(C) The department shall accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner or operator's demonstration of compliance.

(5) Appeal of a department decision. Any person who is adversely affected by a decision of the department under this section may appeal the decision to the pollution control hearings board pursuant to the authority of WAC 173-303-845.

(6) Criteria for elements of the natural environment. The following siting criteria establish locations from which facilities are excluded and establish minimum setback distances from identified resources. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified resource.

These criteria shall be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Earth. The intent of this subsection is to reduce the potential for the release of dangerous waste into the environment because of structural damage to facilities subject to the hazards identified below. The owner/operator shall provide supportive geologic, geotechnical, and soils information.

(i) Seismic risk. All dangerous waste management facilities shall be located such that the dangerous waste management unit boundary is located at least five hundred feet from a fault which has had displacement in Holocene times.

(ii) Subsidence. No dangerous waste management facility shall be located such that the dangerous waste management unit is within an area of subsidence.

(iii) Slope or soil instability. No dangerous waste management facility shall be located such that the dangerous waste management unit is within an area of slope or soil instability.

(b) Air. The intent of this subsection is to reduce the potential for further degradation of air quality in areas currently experiencing air quality impacts.

(i) Incineration facilities shall not be located in a Class I Prevention of Significant Deterioration Air Quality Zone designated under the Federal Clean Air Act.

(ii) Incineration facilities shall not be located in a nonattainment area designated by the department unless compensating emission offset can be achieved.

(iii) Proposed incineration facilities shall comply with WAC 173-303-806 (4)(a)(xxii) during the permitting process.

(c) Water. The intent of this subsection is to reduce the potential for contaminating waters of the state in the event of a release of dangerous wastes.

(i) Surface water.

(A) Flood, seiche, and tsunami protection.

(I) No dangerous waste management facility shall be located within the one hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(II) The owner/operator of a nonland-based facility shall identify whether the facility is intended to be located within the five hundred-year flood plain, as indicated in the most current Federal Emergency Management Agency maps. Nonland-based facilities will require special design features so as to prevent flooding of the dangerous waste management unit in the event of a five hundred-year flood.

(III) Land-based facilities shall not be located within the five hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(IV) Dangerous waste management facilities shall not be located in areas subject to seiches, or coastal flooding including tsunamis or storm surges as indicated in the most current maps of the National Flood Insurance Program of the Federal Emergency Management Agency.

(B) Perennial surface water bodies.

(I) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from a perennial surface water body.

(II) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from a perennial surface water body.

(C) Surface water supply.

(I) No dangerous waste management facility shall be located in a watershed identified in the report submitted to, and approved by, the department of health under the authority of WAC 248-54-225(3), Watershed control.

(II) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest surface water intake for domestic water.

(III) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest surface water intake for domestic water.

(ii) Ground water. To the extent feasible, proponents of land-based facilities should seek sites with natural site characteristics which are capable of providing protection of ground water resources. Natural features such as low permeability soils and substrata, relatively simple geologic formations, and high rates of evapotranspiration in relation to the seasonal occurrence of precipitation are preferable for the locations of land-based facilities. Proposed land-based facilities shall comply with the contingent ground water protection program, WAC 173-303-806 (4)(a)(xxi), during the permitting process.

(A) Depth to ground water.

(I) Nonland-based facilities shall not be located in areas where there is less than ten feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal high water level of the uppermost aquifer of beneficial use.

(II) Land-based facilities shall not be located in areas where there is less than fifty feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal highwater level of the uppermost aquifer of beneficial use.

(B) Sole source aquifer. No land-based facilities shall be located over an area designated as a sole source aquifer under section 1424(e) of the Federal Safe Drinking Water Act (P.L. 93-523).

(C) Ground water management areas. Owners/operators of facilities shall identify whether the proposed facility location is within a ground water management area, as proposed or certified pursuant to RCW 90.44.130. In order to maintain consistency with the purpose and substantive requirements of certified ground water management area plans, the department may require additional protective measures or reject inconsistent projects.

(D) Ground water intakes.

(I) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest ground water intake for domestic water.

(II) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest ground water intake for domestic water.

(d) Plants and animals: Intent. To reduce the potential for dangerous waste contaminating plant and animal habitat in the event of a release of dangerous wastes.

(i) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the following areas:

(A) Wetlands;

(B) Designated critical habitat, for federally listed threatened or endangered species, as defined by the Endangered Species Act of 1973 (P.L. 93-205);

(C) Habitat designated by the Washington department of wildlife as habitat essential to the maintenance or recovery of any state listed threatened or endangered wildlife species;

(D) Natural areas which are acquired or voluntarily registered or dedicated by the owner under chapter 79.70 RCW, Natural area preserves; and

(E) State or federally designated wildlife refuge, preserve, or bald eagle protection area.

(ii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from those areas specified in item (i) above.

(7) Criteria for elements of the built environment. The following siting criteria establish locations from which facilities are excluded or which require separation from identified land uses. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified land use.

These criteria shall be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a

permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Adjacent land use.

(i) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least two hundred feet from the nearest point of the facility property line.

(ii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest point of the facility property line.

(b) Special land uses.

(i) Wild and scenic rivers. Dangerous waste management facilities shall not be located within the viewshed of users on wild and scenic rivers designated by the state or federal government.

(ii) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the following:

(A) State or federally designated park, recreation area, or national monument;

(B) Wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577); and

(C) Land identified as prime farmland at the time a notice of intent is submitted to the department.

(iii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from those land uses specified in item (ii) above.

(c) Residences and public gathering places.

(i) Nonland-based facilities with the exception of incineration facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from residences or public gathering places.

(ii) Incineration and land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from residences or public gathering places.

(d) Land use compatibility. Owners/operators of nonpreempted facilities shall conform with local land use zoning designation requirements, as approved by the department under chapter 70.105 RCW.

(e) Archeological sites and historic sites. No dangerous waste management facility shall be located in an archeological site or historic site designated by the state or federal government.

NEW SECTION

WAC 173-303-355 SUPERFUND AMENDMENTS AND RE-AUTHORIZATION ACT TITLE III COORDINATION. (1) Owners or operators shall coordinate preparedness and prevention planning and contingency planning efforts, conducted under WAC 173-303-340 and 173-303-350, with local emergency planning committees established pursuant to Title III of the 1986 Superfund Amendments and Reauthorization Act.

(2) Appropriate and generally accepted computer models should be utilized to determine the impacts of a potential catastrophic air release due to fire or explosion. Evacuation plans prepared pursuant to WAC 173-303-350 (3)(d) shall include those effected persons and areas identified through these modelling efforts.

AMENDATORY SECTION (Amending Order 88-24, filed 1/4/89)

WAC 173-303-806 FINAL FACILITY PERMITS. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities;

(b) Special waste management facilities; and

(c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must comply with WAC 173-303-281 and apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from

the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the permit is issued by the department. WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (h) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640 (4) and (6), 173-303-650(4), 173-303-655(4), 173-303-660 (4) and (5), 173-303-665(4), and 173-303-670(7).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340, or a description of the procedures used to comply with these requirements.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(8), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) ~~((Facility location information;~~

~~(A) In order to determine the applicability of the earthquake fault criteria (WAC 173-303-420(3)) the owner or operator of a new facility must identify the county in which the facility is proposed to be located.~~

(Comment: If the county is not listed in WAC 173-303-420 (3)(c), no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in a county listed in WAC 173-303-420 (3)(c), the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(i) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within three thousand feet of a facility are present, based on data from: Published geologic studies; aerial reconnaissance of the area within a five-mile radius of the facility; an analysis of aerial photographs covering a three thousand foot radius of the facility; and if needed to clarify the above data, a reconnaissance based on walking portions of the area within three thousand feet of the facility; or

(ii) If faults (to include lineations) which have had displacement in Holocene time are present within three thousand feet of a facility, no faults pass within two hundred feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two hundred feet from portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three thousand feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(C) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one hundred-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one hundred-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one hundred-year flood.

(Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the one hundred-year floodplain. However, if the FIA map excludes an area (usually areas of the floodplain less than two hundred feet in width), these areas must be considered and a determination made as to whether they are in the one hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the one hundred-year floodplain, and if so located, what the one hundred-year flood elevation would be.)

(D) Owners and operators of facilities located in the one hundred-year floodplain must provide the following information:

(i) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as the consequence of a one hundred-year flood;

(ii) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

(iii) If applicable, and in lieu of (a)(xi)(E)(i) and (ii) of this subsection, a detailed description of procedures to be followed to remove dangerous waste to safety before the facility is flooded, including: Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive dangerous waste in accordance with the regulations under this chapter; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will

be available in time for use; and the potential for accidental discharges of the waste during movement.

(E) Owners and operators of all facilities shall provide all information necessary to demonstrate compliance with the shoreline siting standards of WAC 173-303-420(5).

(F) The owner or operator of a new disposal facility must provide all information necessary to demonstrate compliance with the sole source aquifer siting standards of WAC 173-303-420(6).) Seismic risk consideration. The owner/operator of a proposed facility or expansion of an existing facility shall identify the seismic risk zone in which the facility is intended to be located. Where state or local maps are not available, United States Geological Survey Open File Report number 82-1033 may be used to identify seismic risk zones. The owner/operator shall demonstrate that the facility can and will be designed to resist seismic ground motion and that the design is sufficient to withstand the maximum horizontal acceleration of a design earthquake specified in the demonstration.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6).

(xiv) For dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) and a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal

roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

(K) Barriers for drainage or flood control; and

(L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste surface impoundments, waste piles, land treatment units, and landfills except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in WAC 173-303-9905, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645(9)(h)(v). Alternatively, the owner or operator can obtain written authorization in advance from the department to submit a proposed permit schedule for development and submittal of such information. To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645(8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645(5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken;

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action; and

(V) The permit may contain a schedule for submittal of the information required in (a)(xx)(H)(III) and (IV) of this subsection, provided the owner or operator obtains written authorization from the department prior to submittal of the complete permit application.

(xxi) Contingent ground water protection program. The following actions are required for owners or operators of proposed land-based facilities and may be required for owners/operators of existing land-based facilities, except as provided in WAC 173-303-645 (1)(b).

(A) Contingent ground water protection program. The owner or operator shall develop a contingent ground water protection program.

The purpose of this program will be to prevent the migration of dangerous waste or dangerous waste constituents from waste management units to the nearest hydraulically downgradient receptor at any time during the life of the facility. For the purposes of this subsection, the downgradient receptor shall be the facility property line, perennial surface water or domestic well, whichever is nearest to the dangerous waste management unit. The contingent ground water protection program shall at a minimum:

(I) Define the local and regional hydrogeologic characteristics. The contingent ground water protection program shall be based on a sufficient understanding of site geology, hydrology, and other factors to allow evaluation of its adequacy by the department. Site characterization shall be performed in sufficient detail to provide, at a minimum, the following information: Site geostratigraphy; site hydrostratigraphy; identification of aquifers, aquitards, and aquicludes; flow models for each stratum (i.e., porus media or fracture flow); the distribution of vertical and horizontal hydraulic conductivity; effective porosity; horizontal and vertical hydraulic gradients; ground water travel time to receptors; and heterogeneity for each stratigraphic unit. Site interpretative models shall include ranges of tested values: The provisions of WAC 173-303-806 (4)(a)(xx) and 173-303-645, shall be used as guidance in the development of the contingent ground water protection program.

(II) Identify the range of potential release scenarios that could occur during facility operation and the postclosure care period. The scenarios shall incorporate the intended design(s) of the dangerous waste management unit(s), wastes to be placed in the dangerous waste management unit(s), waste and leachate chemistry, waste, and soil and rock

geochemical interactions, and the results of site characterization pursuant to WAC 173-303-806 (4)(a)(xx) and (xxi);

(III) Include specific physical action to be taken if dangerous waste or dangerous waste constituents are detected in one or more of the monitoring wells. The physical actions shall be based upon engineering feasibility studies describing remedial actions established from site specific conditions and waste features. Such actions may include installation of a pump and treat system between the monitoring well and the receptor or installation of a section of slurry wall to decrease ground water travel times. The description of the systems shall also provide how the remediation system will achieve cleanup, its efficiency, and the timeframes involved;

(IV) Incorporate the design, construction, and sampling methods outlined in WAC 173-303-645 (8)(c), (d), (e), (f), and (g); and

(V) Include reporting procedures to the department.

(B) The ground water protection program shall be activated if the presence of dangerous waste or dangerous waste constituents have been detected at the point of compliance in accordance with WAC 173-303-645 (9)(g), and shall continue until the concentration of dangerous waste or dangerous waste constituents under WAC 173-303-645(4) are reduced to levels below their respective concentration limits specified in WAC 173-303-645(5).

(C) If the owner/operator does not demonstrate that the ground water protection program will prevent the migration of dangerous waste or its constituents to the nearest receptor, the department will require corrections to be made in the protection program, increase setbacks from the nearest receptor, or deny the permit.

(xxii) Additional requirements for incineration facilities. The following actions regarding the protection of human health and the environment must be taken by owners/operators of proposed hazardous waste incineration facilities which are subject to WAC 173-303-282 (7)(c), and may be required for owners/operators of any other incineration facility. The following actions are required for owners or operators of proposed incineration facilities and may be required for owners or operators of existing incineration facilities.

(A) Ambient monitoring program. The owner/operator shall be required to develop an ambient monitoring program. The purpose of this ambient monitoring program will be to: Gather baseline environmental information characterizing on-site and off-site environmental conditions prior to facility operation; and, to identify and measure changes in the environment which may be linked to the construction and operation of the facility. The ambient monitoring program shall, at a minimum:

(I) Include a characterization of facility emission sources and pathways of contaminant transport.

(II) Characterize local and regional ecosystems, including agricultural, and their sensitivity to the potential contaminants from the facility.

(III) Incorporate the findings of the environmental impact statement's health risk assessment and/or other assessments specific to the proposal or available to the scientific community regarding emissions from dangerous waste management facilities and their potential human health and environmental effects.

(IV) Identify sensitive indicator plants and animals for biomonitoring, identify specific chemical constituents of concern, sampling locations, sampling frequency, sampling and analytical methods, chain of custody procedures, quality assurance/quality control procedures, reporting times, recordkeeping procedures, and data evaluation procedures.

(B) Environmental review procedures. The owner/operator shall establish procedures to allow for public review of facility operation and all monitoring data required by the facility's permit. In developing this process, the owner/operator shall, at a minimum:

(I) Coordinate this effort with the public and interested local organizations;

(II) Identify the informational needs of the community and develop a public information process which meets these needs; and

(III) Develop procedures allowing full access by the public to all monitoring data required by the permit.

(C) Impact mitigation. Prior to the department issuing a permit, the owner/operator shall submit an impact mitigation plan which demonstrates to the satisfaction of the department that they have developed and are financially and otherwise prepared to implement a program which will mitigate all probable significant impacts due to facility location and operations.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators

of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling dangerous waste of each tank system, as required under WAC 173-303-640 (2) and (3);

(ii) Dimensions and capacity of each tank;

(iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(iv) A diagram of piping, instrumentation, and process flow for each tank system;

(v) A description of materials and equipment used to provide external corrosion protection, as required under WAC 173-303-640 (3)(a)(iii)(B);

(vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with WAC 173-303-640 (3)(b), (c), (d), and (e);

(vii) Detailed plans and a description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of WAC 173-303-640 (4)(a), (b), (c), (d), (e), and (f);

(viii) For tank systems for which a variance from the requirements of WAC 173-303-640(4) is sought (as provided by WAC 173-303-640 (4)(g)):

(A) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous waste or dangerous constituents into the ground water or surface water during the life of the facility; or

(B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(ix) Description of controls and practices to prevent spills and overflows, as required under WAC 173-303-640 (5)(b);

(x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of WAC 173-303-640 (9) and (10);

(xi) A description of the marking and/or labeling of tanks; and

(xii) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650(2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650(4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650(4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650(5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650(6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650(6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660(1)(c), an explanation of how the standards of WAC 173-303-660(1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile), including the licensed engineer's certification when required by WAC

173-303-660(2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660(2)(d), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660(3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660(3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660(4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660(9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665(6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660(1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670(1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090(7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090(7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of WAC 173-303-665(7) will be complied with;

(vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(8) will be complied with;

(viii) If bulk of noncontainerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of WAC 173-303-665(9) will be complied with;

(ix) If containers of dangerous waste are to be landfilled, an explanation of how the requirements of WAC 173-303-665(10) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-665(11).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after complying with WAC 173-303-281, submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(9) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended beyond ten years, unless otherwise authorized under subsection (7) of this section.

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term, or for denying a permit application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(c) A determination that the permitted activity endangers public health or the environment and the hazard can only be controlled by permit modification or termination; or

(d) A determination that the permit applicant has failed to satisfy the performance standards of WAC 173-303-283.

(13) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(14) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(15) Other requirements for final special waste and recycling facility permits. In lieu of issuing a final special waste or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90-48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500

through 173-303-525 for recycling facilities or WAC 173-303-550 through 173-303-560 for special waste facilities.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-303-420 SITING STANDARDS.

**WSR 90-10-086
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**
[Filed May 2, 1990, 2:47 p.m.]

Original Notice.

Title of Rule: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Purpose: To establish color requirements for new varieties of apples being produced. Current rules do not specify color requirements for these varieties.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: The rule will classify the following new apple varieties: Akane, Jonamac, Nittany, Vista Bella, Braeburn, Elstar, Fuji, Gala (Royal Gala) and Jonagold.

Reasons Supporting Proposal: Current grade standards do not reflect the production nor marketing characteristics of these new varieties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 753-5054.

Name of Proponent: Washington State Horticultural Association Grade and Pack Committee, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will classify the named varieties as to coloring characteristics, thereby establishing minimum grading requirements. Current rules do not provide for color standards for these particular varieties. These new varieties have previously been graded under the provision for "other similar varieties" in chapter 16-403 WAC. The application of the current rule has not met the production for marketing needs of the producers. The proposal will more accurately reflect the quality characteristics of the affected varieties.

Proposal Changes the Following Existing Rules: The proposal adds to existing rules specific new varieties of apples. The rule will not change requirements of the older, established varieties.

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

Hearing Location: United States Department of Agriculture Conference Room, 2015 South First Street, Yakima, WA, on June 6, 1990, at 10 a.m.; and at the Washington State University Tree Fruit Research Center, 1100 North Western, Wenatchee, WA, on June 7, 1990, at 10 a.m.

Submit Written Comments to: Washington State Department of Agriculture, Commodity Inspection Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by June 7, 1990.

Date of Intended Adoption: June 19, 1990.

May 2, 1990
J. Allen Stine
Assistant Director

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-155 COLOR REQUIREMENTS. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) Solid red varieties. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: PROVIDED, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Black Ben	66 ⁽¹⁾	40 ⁽³⁾
Gano	66 ⁽¹⁾	40 ⁽³⁾
Winesaps	66 ⁽¹⁾	40 ⁽³⁾
Other similar varieties	66 ⁽¹⁾	40 ⁽³⁾
Red sport varieties ⁽²⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 50 percent good shade of red color characteristic of the variety.
- (2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
- (3) Must have at least 33 percent good shade of red color; characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(2) Striped or partial red varieties. For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50 ⁽¹⁾	33 ⁽²⁾
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66 ⁽¹⁾	33 ⁽²⁾
McIntosh	50 ⁽¹⁾	33 ⁽²⁾
Cortland	50	33
Akane	33 1/3	15
Jonamac	50	33
Nittany	25	10
Vista Bella	25	10
Other similar varieties	50	33
Red sport varieties ⁽⁵⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 35 percent good shade of red color characteristic of the variety.
- (2) Must have at least 15 percent good shade of red color characteristic of the variety.

- (3) Must have at least 33 percent good shade of red color characteristic of the variety.
 - (4) Must have at least 66 percent good shade of red color characteristic of the variety.
 - (5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
- (3) Red checked or blushed varieties.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Braeburn	Blush Cheek	Tinge of color
Elstar	Blush Cheek	Tinge of color
Fuji	Blush Cheek	Tinge of color
Gala, (Royal Gala)	Blush Cheek	Tinge of color
Jonagold	Blush Cheek	Tinge of color
Winter Banana	Blush Cheek	Tinge of color
Other similar varieties	Blush Cheek	Tinge of color

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

WSR 90-10-087
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed May 2, 1990, 2:56 p.m.]

Original Notice.

Title of Rule: Educational activities—No outside entertainment, a rule regulating courses of instruction given to retailers.

Purpose: The purpose of this amendment is to eliminate language restricting educational program activities which would conflict with SHB 2858 as passed by the 1990 legislature.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.28.010 and 66.28.150.

Summary: The change as proposed will eliminate restrictive language which will be in conflict with SHB 2858 when it became effective on June 7, 1990.

Reasons Supporting Proposal: This amendment is made necessary by legislative action.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice Lee Britt, 1025 East Union, Olympia, WA 98504-2531, 753-6273.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment as proposed will delete language which places restrictions on services a manufacturer, importer or wholesaler may provide to a retail licensee.

Proposal Changes the Following Existing Rules: The proposal deletes restrictions in the current rule.

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

Hearing Location: Washington State Liquor Control Board, 1025 East Union, Olympia, WA 98504-2531, on June 20, 1990, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, 1025 East Union, Olympia, WA 98504-2531, by June 20, 1990.

Date of Intended Adoption: June 20, 1990.

May 2, 1990
 Paula O'Connor
 Chairman

[AMENDATORY SECTION (Amending Order 281, Resolution No. 290, filed 8/24/69, effective 9/24/89)]

WAC 314-12-175 EDUCATIONAL ACTIVITIES(~~==NO OUTSIDE ENTERTAINMENT~~) (1) Manufacturers, importers and wholesalers who wish to present courses of instructions to retail licensees and their employees in accordance with RCW 66.28.150 must present the proposed course of instruction to the board for approval.

~~((2) Other activities which are allowed at such courses of instruction include but are not limited to:~~

~~(a) Information displays of other manufacturers, importers and wholesalers of liquor and non-alcoholic products;~~

~~(b) Background music; and~~

~~(c) the provision of hors d'oeuvres, but not the provision of full meals;~~

~~(3) The manufacturer, importer, or wholesaler may not pay any of the retailer's personal expenses such as transportation, room and board, or admission. This applies to courses of instruction conducted on the premises of the manufacturer, importer, or wholesaler, or elsewhere.))~~

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 90-10-088
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed May 2, 1990, 3:00 p.m.]

Original Notice.

Title of Rule: WAC 314-12-135 Business entertainment—Records.

Purpose: The purpose of this rule is to explain what records are required, how they must be kept and how long they must be kept when a manufacturer, importer or wholesaler (or employee thereof) entertains a retail liquor licensee (or employee thereof).

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.28.010.

Summary: This rule places record-keeping requirements on nonretail licensees when they entertain retail licensees.

Reasons Supporting Proposal: The record-keeping requirements are necessary in order to monitor the amounts of expenditures to report back to the legislature in 1995 and to insure nonretail licensees do not exceed the scope of SHB 2858 and violate RCW 66.28.010.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice Lee Britt, Supervisor MIW, 1025 East Union, Olympia, 753-6273.

Name of Proponent: Washington State Liquor Control Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule will implement SHB 2858 which becomes effective June 7, 1990.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed gives requirements about the types of records to be maintained by nonretail licensees and their employees who provide authorized entertainment of retail licensees and their employees. The rule will allow for the monitoring of such entertainment to ensure such entertainment does not go outside of the boundaries set by SHB 2858.

Proposal Changes the Following Existing Rules: The proposal allows entertainment allowed by SHB 2858 which was prohibited prior to SHB 2858's passage.

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

The rule is required because of legislation passed by the 1990 legislature. The records to be preserved are already kept by the licensees affected as part of their normal business records.

Hearing Location: Washington State Liquor Control Board, 1025 East Union, Olympia, WA 98504-2531, on June 20, 1990, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, 1025 East Union, Olympia, WA 98504-2531, by June 20, 1990.

Date of Intended Adoption: June 20, 1990.

May 2, 1990

Paula C. O'Connor
Chairman

NEW SECTION

WAC 314-12-135 BUSINESS ENTERTAINMENT—RECORDS. All manufacturers, importers and wholesalers and employees thereof who provide either food, beverages, transportation, tickets or admission fees for or at athletic events or for other forms of entertainment to retail licensees and or their employees must maintain records thereof as follows:

(1) The originals or copies of all purchase invoices, receipts and other memoranda covering or relating to all expenditures made for entertainment activities as specified in this subsection showing:

- (a) tickets, transportation, food, beverage, admission fees purchased or paid for,
- (b) quantities purchased or paid for,
- (c) from whom purchased,
- (d) the name of the retail licensees or employee for whom purchased and the retail license number of the business they represent, and
- (e) the purchase date.

(2) The records described above shall be kept for at least two years after each purchase or payment and shall be filed separately and kept apart from all other records and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All cancelled checks, bank statements and books of account covering or involving the purchase of or expenditures for items specified in subsection (1) above and all memoranda, if any, showing payment for any such items other than by check, shall be preserved for two years and shall at all times be kept available for inspection and copying by Board employees.

WSR 90-10-089

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed May 2, 1990, 3:02 p.m.]

Original Notice.

Title of Rule: WAC 314-40-020 Applications.

Purpose: To add amendatory language which allows a private club under a nationally chartered organization which has existing like club licenses to sell liquor within the state of Washington, to forego the one year operating period required before the club may apply for a liquor license.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.04.010(5).

Summary: The proposed amendment would allow a private club to apply for and receive a liquor license without first having to be in operation for a one year period so long as the club was under a nationally chartered organization which already has an existing liquor licensed club within Washington.

Reasons Supporting Proposal: Within the current corporate hospitality industry, most clubs cannot support their operation for one year without the income derived from liquor sales.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Goyette, 1025 East Union, Olympia, 98504, 753-6274.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The present rule requires that a club organization have been in operation for at least one year prior to application for a liquor license. This is intended to determine, to the board's satisfaction, that the applicant is an established, bona fide organization. Adoption of the proposal will allow those clubs whose parent organizations are nationally chartered and have an existing operating record with the board as a licensee to receive a liquor license without the one year waiting period. This will clearly be advantageous to the club making application and require no additional costs or other resources for the agency.

Proposal Changes the Following Existing Rules: It permits an exception to be made to the one year waiting period for those clubs seeking liquor licensees who are a part of a nationally chartered organization already licensed within the state in existing club/clubs.

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

Hearing Location: Washington State Liquor Control Board, 5th Floor Conference, Board Room, 1025 East Union, Olympia, WA 98504, on June 20, 1990, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Liquor Control Board, 1025 East Union, Olympia, WA 98504, by June 20, 1990.

Date of Intended Adoption: June 20, 1990.

May 2, 1990

Paula O'Connor
Chairman

[AMENDATORY SECTION (Amending Rule 104, filed 6/13/63)]

WAC 314-40-020 APPLICATIONS. (1) Applications for new club licenses shall be accompanied by proof that:

- (a) The organization is bona fide and nonprofit;
- (b) The organization has been in operation for at least one year immediately prior to the date of its application, such proof to consist of

records of (i) membership, (ii) meetings of trustees or directors at least every month and membership meetings at least once a year, (iii) the location of such meetings, and (iv) such other data as is necessary to establish that the organization has been active for at least one year prior to application; PROVIDED, the minimum one year period of operation shall not be required when the applicant club is under a nationally chartered organization and there is a previously licensed club operating under the same national charter within the state. Proof of issuance of a charter to such existing club must be provided at the time of application;

(c) The application is approved by a majority of the members which approval shall be indicated by presentation to the board of a petition bearing the names of such members desiring license. The president and secretary of the organization shall certify on such petition the total number of members of the organization in good standing as of the date of the application and that those signing the petition are all members in good standing on such date;

(d) The organization was not primarily formed or activated to obtain a license to sell liquor, but that the sale of liquor is incidental to the main purposes of the club.

(2) Applications for renewal of club licenses shall be made on forms prescribed by the board and accompanied by such information as the board may request.

(3) All applications must be made in the official name of the organization and be signed by either the president or the secretary and be accompanied by a certified copy of the minutes of that meeting of the governing board of the organization which authorized the president or secretary to make the application. The use of trade names shall not be permitted. [Rule 104, filed 6/13/63.]

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 90-10-090
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed May 2, 1990, 3:11 p.m.]

Original Notice.

Title of Rule: WAC 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted.

Purpose: To provide for public safety and welfare by requiring alcohol content on the label of individual containers of malt beverages.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.28.120.

Summary: The rule, as proposed, will require the alcohol content by volume to be on malt beverage containers.

Reasons Supporting Proposal: It is in the public interest for consumers to know the alcohol content of the malt beverages they consume.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice Lee Britt, 1025 East Union, Olympia, WA 98504, 753-6273.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Knowledge of the amount of alcohol present in malt beverages allows the consumer to be a better judge of the amount of malt beverages they may safely consume without having their judgement and/or physical capabilities impaired. Prior to 1982, malt beverages containing four percent alcohol or more by weight were not allowed within the state. Since that time, many consumers do not realize that some of the malt beverages available for sale contain more alcohol and have a stronger effect.

Proposal Changes the Following Existing Rules: The proposal adds the requirement of alcohol content for all malt beverages be indicated on the label of the container.

Small Business Economic Impact Statement: Statement originally prepared for proposal requiring labeling of malt beverages with four percent or more considered by the agency in March and April. Statement has been updated and is available from the Manufacturers, Importers and Wholesalers Division, Liquor Control Board, 1025 East Union, Olympia, WA 98504.

Hearing Location: Liquor Control Board, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on July 11, 1990, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, 1025 East Union, Olympia, WA 98504, by July 11, 1990.

Date of Intended Adoption: July 11, 1990.

May 2, 1990
Paula O'Connor
Chairman

[AMENDATORY SECTION] (Amending Order 275, Resolution No. 284, filed 12/28/88)

WAC 314-20-020 BEER LABELS—CERTIFICATE OF LABEL APPROVAL REQUIRED—LABELS TO BE SUBMITTED.

(1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) Such label shall show the alcoholic content of the beer by volume on the label or container with a tolerance not to exceed five-tenths of one percent.

(3) A request for certificate of label approval must be submitted on a form(s) prescribed by the board which is one copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department.

(4) Any change in label or product which requires reissuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(5) No label shall be used that is misleading.

(6) Every producer, importer, or wholesaler of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to commercial standards.

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 90-10-091
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed May 2, 1990, 3:16 p.m.]

Original Notice.

Title of Rule: Vehicle registration reciprocity and proration, provides for the proportional registration of vehicles under the provisions of the international registration plan and the uniform vehicle registration, proration, and reciprocity agreement.

Purpose: The purpose of these rules is to enable the Department of Licensing to implement and administer proportional vehicle registration of fleets of vehicles being operated interstate under the provisions of chapter 46.87 RCW.

Statutory Authority for Adoption: RCW 46.01.110 and 46.87.010(2).

Statute Being Implemented: Chapter 46.87 RCW.

Summary: Vehicle registration reciprocity and proration, chapter 308-91 WAC, amending WAC 308-91-010 Proration and reciprocity agreements, 308-91-030 Definitions, 308-91-040 General provisions, 308-91-050 Applications for proportional registration, 308-91-060 Mileage and prorate percentage, 308-91-070 Quarterly licensing for proportionally registered vehicles, 308-91-080 Temporary authorization permit and 308-91-090 Leased and rented vehicles; and repealing WAC 308-91-160 Reciprocity for combinations of vehicles.

Reasons Supporting Proposal: The amendatory sections and the repealer are proposed to clarify and bring currently effective rules into conformity with newly enacted statutes and/or statutory amendments.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul W. Downey, Prorate Section, (206) 753-6993; and **Enforcement:** Merle Steffenson, Prorate and Fuel Tax, (206) 753-4565.

Name of Proponent: State of Washington Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-91-010, makes known the proportional registration agreements to which Washington is a member. These agreements are the basis for registration of fleets of vehicles operating interstate. Identifies jurisdictions who are members of the compact but are not also members of the IRP; WAC 308-91-030, sets forth the definitions of terms as used in chapter 308-91 WAC; WAC 308-91-040, outlines general provisions that relate to the proportional registration and licensure of fleets of vehicles. It includes information on filing and compliance dates, record retention and fleet composition. It also describes the various types of identification for prorated vehicles as well as the mechanism for transfer or surrender of these indicia; WAC 308-91-050, prescribes the application procedures for proportional registration. It also describes the requirements for issuance of a temporary letter of authority to permit operation of vehicles for a short period of time when such operation is essential; WAC 308-91-060, describes procedures and

methods to be used in determining mileage and prorate percentage. It also describes how these figures must be expressed on applications; WAC 308-91-070, describes the quarterly licensing program for fleets of proportionally registered vehicles; WAC 308-91-080, describes the temporary authorization permit and the manner in which it is obtained. It also describes how the permits must be filled out and retained along with a listing of the grounds for suspension or cancellation of the temporary permits; WAC 308-91-090, describes the manner in which leased and rented vehicles are treated for the purpose of proportional registration. It describes the types of records that must be maintained by the lessor and explains the circumstances under which the lessee of the vehicle is made responsible for licensing; and WAC 308-91-160, prescribes conditions under which the vehicles making up a combination of vehicles will be granted license reciprocity for operation on the roadways of this state. Failure to meet these conditions will necessitate registration or temporary registration of the vehicles in Washington.

Proposal Changes the Following Existing Rules: WAC 308-91-010, eliminates outdated information concerning jurisdiction that are members of the compact but not members of the IRP; WAC 308-91-030, sets forth the definition of "owner-operator" and brings the definition of "latest purchase cost or price" into conformity with newly enacted statutes; WAC 308-91-040, restricts the composition of fleets to either motor or nonmotor vehicles in conformance with newly enacted statutes and/or statutory amendments. One word added for the purpose of clarification; WAC 308-91-050, minor changes for the purpose of clarification and to bring the rule into conformance with newly enacted statutes and/or statutory amendments. Sets forth options to be followed in the proportional registration of owner-operators and prescribes who is to register the vehicles and maintain records; WAC 308-91-060, minor changes for the purpose of clarification and to bring the rule into conformance with newly enacted statutes and/or statutory amendments. Describes the manner in which estimated mileage is treated under designated circumstances; WAC 308-91-070, minor correction in grammar; WAC 308-91-080, correction of a form references and other minor changes for the purpose of clarification; WAC 308-91-090, one word added to bring the rule into conformance with newly enacted statutes and/or statutory amendments; and WAC 308-91-160, this section is being repealed. It is no longer applicable because of newly enacted statutes and/or statutory amendments.

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

Hearing Location: Highways-Licenses Building, 2nd Floor Conference Room #240, 12th and Franklin Streets, Olympia, Washington 98504, on June 7, 1990, at 10:15.

Submit Written Comments to: Merle Steffenson, Administrator, Prorate and Fuel Tax Services, Highways-Licenses Building, Olympia, Washington 98504, by May 31, 1990.

Date of Intended Adoption: September 1, 1990.

May 2, 1990

Mary Faulk
Director

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-010 PRORATION AND RECIPROCITY AGREEMENTS. The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is hereafter referred to as the "compact" and the international registration plan which is hereafter referred to as the "IRP." These agreements provide for the proportional registration of fleets of commercial or apportioned vehicles operated in two or more jurisdictions that are members of the compact and/or the IRP. ~~((Member jurisdictions of the compact who are not also members of the IRP are Alaska, British Columbia, Nevada, and New Mexico.))~~

AMENDATORY SECTION (Amending Order PFT 89-04, filed 3/10/89)

WAC 308-91-030 DEFINITIONS. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction," under provisions of the compact, means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."

(4) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(6) "Department" means the department of licensing, state of Washington.

(7) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(8) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(9) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the ~~((fair market))~~ value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(10) "Owner-operator" means an equipment lessor who leases their vehicular equipment with driver to a carrier.

(11) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

~~((+))~~ (12) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

~~((+))~~ (13) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

~~((+))~~ (14) "Double bottom" (DB) means two full trailer(s)/semitrailer(s) used in a combination of vehicles.

~~((+))~~ (15) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

~~((+))~~ (16) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

~~((+))~~ (17) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

~~((+))~~ (18) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

~~((+))~~ (19) "Mileage experience year" means the period of time between July 1st and June 30th of the year immediately preceding the year in which application for registration is made.

~~((+))~~ (20) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

~~((+))~~ (21) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

~~((+))~~ (22) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~((+))~~ (23) "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

~~((+))~~ (24) "Trip lease" means a lease of vehicular equipment to a common or contract carrier (lessee) for a single movement by either (a) another common or contract carrier for transportation in the direction of a point which the lessor carrier is authorized to serve, or (b) a carrier of exempt commodities, as defined in the interstate commerce act, for transportation in the general direction of the general area in which the vehicle is based. The term may also include a similar movement intrastate where such movement is authorized under the laws of the jurisdiction.

~~((+))~~ (25) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 40,000 pounds).

~~((+))~~ (26) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

~~((+))~~ (27) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

~~((+))~~ (28) "Washington fee/tax receipt" is a receipt issued to foreign based IRP vehicles for which Washington must calculate and collect Washington fee/taxes. The receipt is issued upon payment of the Washington fee/taxes due on the vehicle. The receipt is proof of payment of Washington fee/taxes and must be carried with the vehicle while being operated in Washington.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-040 GENERAL PROVISIONS. (1) Fleet composition. Carriers may separate their commercial or apportionable vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions. Fleets will consist of either motor or nonmotor vehicles but not a mixture of both.

(2) Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

(3) Filing and compliance dates. Proportional registration annual renewal applications must be filed with the prorate section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year

prorate credentials. During the first two months of the registration year, such vehicles will display the credentials issued for the previous registration year.

(4) Proportional registration credentials. Washington prorated credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorated backing plate upon which is affixed a current prorated validation tab. If the vehicle described on the cab card is Washington based, apportioned license plates, with current validation tab affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card must show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card or the Washington fee/tax receipt issued by the department, or the IRP base jurisdiction's cab card, are the only acceptable evidence of proportional registration in this state, unless the receipt required by WAC 308-91-170 is required to accompany the base jurisdiction's cab card. The prorated backing plate, if applicable, is mounted on the front of a power unit and on the rear of a trailing unit. The validation tab shall be affixed to the upper left-hand corner square of the prorated backing plate or the space designated on the apportioned plate if applicable.

(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one fleet to another fleet.

(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorated credentials will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and apportioned plate(s) with current validation tab attached must be returned to the prorated section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.

(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorated section. The prorated backing plate with validation tab attached must be returned to the prorated unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-050 APPLICATIONS FOR PROPORTIONAL REGISTRATION. (1) Applicants desiring proportional registration in this state must make application to the prorated section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Motor vehicles and nonmotor vehicles must be in separate fleets. Incorrect, illegible, or incomplete applications will be returned without action.

(2) Registration options for owner-operators who lease their vehicles(s) with driver(s) to motor carriers are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name. The registration will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicles(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

~~((3))~~ (4) After an original or renewal proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a prorated registration application supplement - Schedule "A & C" in the manner prescribed.

~~((4))~~ (5) In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorated credentials by the department, provided that:

(a) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(b) The proportional registration renewal application or supplement - Schedule "A & C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorated section of the department; and

(c) The applicant's proportional registration account is considered to be in good standing and on active status.

~~((5))~~ (6) The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(a) Mail;

(b) Collect facsimile or other electronic transmission for which the requestor pays the transmission and handling fees;

(c) Over the counter.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-060 MILEAGE AND PRORATE PERCENTAGE. (1) Vehicles developing mileage experience must travel in two or more jurisdictions during the mileage experience or registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the mileage experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorated fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate during the registration year are not eligible for proportional registration and cannot be considered as part of a prorated fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorated fleet.

(3) Estimated mileage:

(a) New fleets will estimate their mileage for the first year of operation. If operations began prior to June of the first year of operation, the actual mileage accumulated by the fleet during the preceding year will be utilized in calculating the prorated percentage for the second year of operation. If operations began during the month of June or later in the first year, mileage will be estimated for the second year of operation.

(b) When a carrier wants to expand operations of a fleet into a new jurisdiction(s), mileage will be estimated for such jurisdiction(s) as indicated for new fleets in (a) of this subsection. Because the prorated percentage of the fleet is based on the actual mileage accumulated by the fleet during the preceding year, the prorated percentage for the new jurisdiction(s) will be above that calculated for the original jurisdictions in which the fleet operated during the preceding year.

(c) If a fleet fails to accumulate mileage during the preceding year in a jurisdiction(s) in which the fleet was registered and they desire to register the fleet in such jurisdiction(s) the following year, mileage will be estimated for such jurisdiction(s) as indicated for new jurisdictions in (b) of this subsection.

(4) Mileage computation.

(a) Applications containing ((either power units and trailing units pulled by such power units or)) power units only: Use miles of prorated fleet power units only.

(b) ((Fleets)) Applications containing trailing units ((that are operated in jurisdictions in addition to those in which the power units of the fleet are operated, or trailing units of a fleet operated with motor vehicles that are not part of the fleet, shall be placed in separate fleets.

(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with the prorated trailers)) only: Use either the mileage traveled by the trailers

of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see alternate measures provided under the provisions of RCW 46.87.120(3).

~~((4))~~ (5) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations.

(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year (June or later), that an actual mileage experience year is not yet available.

(c) Mileage data, other than estimated mileage, expressed in round-off numbers on renewal applications.

(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.

~~((5))~~ (6) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-070 QUARTERLY LICENSING FOR PROPORTIONALLY REGISTERED VEHICLES. In order to participate in the quarterly (three months) licensing program, a Washington based carrier must initially make ~~((its))~~ their desire known to the prorate section by attaching a note or letter to the original or renewal proration application stating ~~((its))~~ their desire to participate in the quarterly licensing program. Participation will then continue as long as the fleet maintains eligibility under the provisions of RCW 46.87.160, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. This program pertains only to the quarterly payment of the license fee prescribed in RCW 46.16.070; it does not authorize partial payment of any other fee or tax authorized or required for payment by another statute or rule.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-080 TEMPORARY AUTHORIZATION PERMIT. Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of proportional registration credentials.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorate section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional

registration application Schedule "A & C" or ~~((prorational registration application supplement Schedule "C" or))~~ renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. ~~((Then))~~ Return the vehicle copy and prorate copy to the department within one week or with your next proration application supplement, whichever is sooner. If TAP is to be used for a vehicle being added to a fleet registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration registration application supplement Schedule "A & C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration registration application supplement Schedule "A & C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

- (a) Failure to comply with these rules and procedures; or
- (b) Failure to complete TAPs in their entirety prior to use; or
- (c) Failure to comply with Washington prorate instructions, rules or laws; or
- (d) Failure to make timely payment of registration fees, taxes or audit assessments when due and final (usually within thirty days); or
- (e) Failure to maintain accountability of TAPs.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-090 LEASED AND RENTED VEHICLES. (1) The registration of rental vehicles will be conducted under the provisions, currently identified as article XI—registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental vehicles under this section include: Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), utility trailers (not exceeding 6,000 pounds gross weight), and passenger cars (includes recreational vehicles). A copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination.

(2) Single trip lease. The requirements for single trip leasing are as follows:

- (a) The lessor's motor vehicles must be prorated in this state or operated under authority of vehicle trip permits.
- (b) The duration of the lease agreement is for a single trip and cannot exceed thirty days.
- (c) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(d) All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor for a period of four years following the mileage experience year or period upon which the application is based.

(3) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner-operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

(c) Optional for rental vehicles referred to in subsection (1) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-91-160 RECIPROCITY FOR COMBINATIONS OF VEHICLES.

WSR 90-10-092
RULES COORDINATOR
POLLUTION LIABILITY
INSURANCE AGENCY
 [Filed May 2, 1990, 3:26 p.m.]

The following person has been appointed rules coordinator for the Pollution Liability Insurance Agency: William Bafus, State of Washington, Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Mailstop EN-12, Olympia, WA 98504.

James M. Sims
 Director

WSR 90-10-093
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY
 [Filed May 2, 1990, 3:27 p.m.]

Original Notice.

Title of Rule: Chapter 374-20 WAC, Public records.

Purpose: To inform the public about agency location, general operation and methods to obtain access to public records.

Statutory Authority for Adoption: RCW 42.17.250.

Statute Being Implemented: RCW 42.17.250 - 42.17.320.

Summary: The rule establishes procedures for members of the public to request and gain access to agency public records.

Reasons Supporting Proposal: To assist the public in obtaining information.

Name of Agency Personnel Responsible for Drafting: William Bafus, 1015 10th Avenue S.E., Olympia, 586-5997; Implementation: Deanna Bourgault, 1015 10th Avenue S.E., Olympia, 586-5997; and Enforcement: James M. Sims, 1015 10th Avenue S.E., Olympia, 586-5997.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule informs the public of the location and general course of activity of the agency. It provides procedures for members of the public to request access to agency public records and information in person or by mail. The rule establishes restrictions on access to certain information as required by law.

Proposal does not change existing rules.

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

This rule is entirely procedural.

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Mailstop EN-12, Olympia, WA 98504, on June 7, 1990, at 2:00 p.m.

Submit Written Comments to: William Bafus, 1015 10th Avenue S.E., Mailstop EN-12, Olympia, WA 98504, by June 14, 1990.

Date of Intended Adoption: June 27, 1990.

May 2, 1990
 James M. Sims
 Director

Chapter 374-20 WAC
 PUBLIC RECORDS

NEW SECTION

WAC 374-20-010 PURPOSE. The purpose of this chapter is to implement those provisions of RCW 42.17.250 through 42.17.320 relating to access to public records.

NEW SECTION

WAC 374-20-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" have the same meanings as stated in RCW 42.17.020.

(2) "Agency" means the pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of WAC 374-20-030 through 374-20-100 inclusive, agency shall also mean staff or employees of the pollution liability insurance agency.

(3) "Director" means the director of the agency.

(4) "Public records officer" means the records manager of the agency.

(5) "Designee" means the employee of the agency designated by the director or the public records officer to serve as the public records officer at the agency in the absence of the officer.

NEW SECTION

WAC 374-20-030 DESCRIPTION OF ORGANIZATION. (1) The location of the principal offices and the mailing address of the agency are:

Pollution Liability Insurance Agency
 State of Washington
 1015 - 10th Avenue, S.E.
 Mailstop: EN-12
 Olympia, Washington 98504

(2) The principal administrative and appointing officer of the agency is the director. The director may designate other officers or employees of the agency to act in his or her behalf in the director's absence or with respect to those matters in which so doing would enhance the efficiency of the agency's operations.

(3) The agency implements and administers the pollution liability insurance program established by chapter 70.148 RCW.

NEW SECTION

WAC 374-20-040 PUBLIC RECORDS AVAILABLE. (1) All public records of the agency are available for public inspection and copying pursuant to these rules and subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310, 42.17.315, and 70.148.060.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, the agency shall delete such information before making the record available and the public records officer shall provide a written justification for the deletion.

(4) The agency shall, upon request for identifiable public records, make them promptly available to any person. If public records requested are not readily available for inspection, the agency shall notify the requester when and where the records will be available.

NEW SECTION

WAC 374-20-050 RECORDS INDEX. The indexes developed by or for the agency shall be available to all persons under the same rules and under the same conditions as are applied to public records available for inspection and shall be available at the offices of the agency.

NEW SECTION

WAC 374-20-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at the agency shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Representing

Description of Records:

I certify that lists of names obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$.....

Total charge \$.....

(2) All requests made in person may be made at the agency between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The time of day and the calendar date on which the person wishes to inspect the public records;

(d) A description of the public records requested;

(e) A statement whether access to copying equipment is desired;

(f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

(g) A statement that the record will not be used for commercial purposes.

(4) All requests by mail should be received at the agency at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The agency may in its discretion fill requests made by telephone.

NEW SECTION

WAC 374-20-070 FEES. No fee shall be charged for inspection of public records. The agency may charge a reasonable fee, determined from time to time by the director, for providing copies of typed, printed, or written material of a maximum size of 8 1/2" by 14". The fee shall be the amount necessary to reimburse the agency for its actual costs incident to such copying. Fees for copies of nonstandard printed material or public records in nonwritten form may not exceed the agency's actual costs incident to such copying.

NEW SECTION

WAC 374-20-080 STATEMENT OF REASONS FOR DENIAL OF PUBLIC RECORDS REQUEST. When the agency refuses, in whole or in part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 374-20-090 REVIEWS OF DENIALS OF PUBLIC RECORDS REQUEST. Upon denial of a request for inspection of a public record, in whole or in part, the public records officer or other staff member denying the request shall refer the denial to the director or the director's designee for review. The director or the director's designee shall immediately review the denial and either affirm or reverse it. Such review shall be deemed complete at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of review. The final decision shall be sent to the person requesting inspection promptly following the decision.

NEW SECTION

WAC 374-20-100 PROTECTION OF PUBLIC RECORDS. In order to protect the public records of the agency, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the agency's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated agency employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to office personnel, unless other arrangements are made with the public records officer or designee.

**WSR 90-10-094
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed May 2, 1990, 3:28 p.m.]**

Original Notice.

Title of Rule: Chapter 374-30 WAC, Reserves.

Purpose: Provides for establishment, adjustment and use of reserves for the pollution liability insurance program.

Statutory Authority for Adoption: RCW 70.148.040.

Statute Being Implemented: Chapter 70.148 RCW as amended by chapter 64, Laws of 1990.

Summary: The rule provides mechanisms for establishing loss reserves and surplus reserves for the pollution liability insurance program.

Reasons Supporting Proposal: To provide specific identification of circumstances in which reserves are created, adjusted and used.

Name of Agency Personnel Responsible for Drafting: William Bafus, 1015 10th Avenue S.E., Olympia, WA, 586-5997; Implementation and Enforcement: James M. Sims, 1015 10th Avenue S.E., Olympia, WA, 586-5997.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets forth the conditions under which loss reserves and surplus reserves are established, adjusted and used in the pollution liability insurance program. It is intended to inform members of the insurance community and the general public of these procedures. The rule will have the effect of instituting generally accepted standards of financial prudence and solvency established and followed by insurers and reinsurers, and will aid the Pollution Liability Insurance Agency in dealing fruitfully and successfully with firms and regulatory authorities in the insurance industry.

Proposal does not change existing rules.

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

The agency has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the following reasons:

The primary impact of the rule will be upon the internal operations of the Pollution Liability Insurance Agency. It may affect businesses indirectly in that the reserves established under this rule will partly determine whether the petroleum products tax is levied and collected or suspended at certain times. The petroleum products tax is levied at a rate of 0.5 percent against the wholesale value of petroleum products upon first possession in Washington.

Two broad classes of businesses may be affected as taxpayers; those engaged in the production or marketing of petroleum (primarily refiners, distributors, and service stations or other businesses at which gasoline or other petroleum products are also sold), and those using petroleum products as an input or adjunct to their normal line of business (businesses using fleets of vehicles or using petroleum-powered equipment or machinery).

Firms engaged in the production or wholesale distribution of petroleum products will incur tax liability in proportion to the quantity, at any given wholesale price, of products over which they exercise taxable possession. In general, the quantity of petroleum products possessed should be proportionate to the size of the business,

whether measured by number of employees, total sales, or some other standard.

The potential tax liability of retailers of petroleum products is also directly related to the quantity or volume of products over which they exercise taxable possession. Again, and even more directly, this is proportionate to the amount of products sold during any particular time period. For retailers, this is the most suitable measure of business size since self-service and automated product delivery systems have broken any reasonable link between employment and business size.

Businesses which use petroleum products as inputs to their normal operations will experience potential tax liability on the same basis — the amount of products possessed or used during any relevant time period. There is every reason to expect that this quantity will be greater for larger businesses than it will be for smaller ones, and that potential obligations to pay the tax will reflect this.

For these reasons, the agency concludes that this rule does not place disproportionate burdens upon small businesses as compared with larger businesses. The provisions of chapter 19.85 RCW thus do not apply.

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98504, on June 6, 1990, at 2:00 p.m.

Submit Written Comments to: William Bafus, 1015 10th Avenue S.E., Mailstop EN-12, Olympia, WA 98504, by June 13, 1990.

Date of Intended Adoption: June 27, 1990.

May 2, 1990
James M. Sims
Director

Chapter 374-30 WAC RESERVES

NEW SECTION

WAC 374-30-010 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority conferred by RCW 70.148.040. The purpose of this chapter is to implement those provisions of chapter 70.148 RCW as amended by Substitute House Bill No. 2609 (chapter 64, Laws of 1990) relating to the establishment of reserves for the pollution liability insurance program.

NEW SECTION

WAC 374-30-020 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

(1) "Claim" means a properly filed request for insurance benefits made by the holder of a pollution liability insurance policy issued by an insurer with whom the pollution liability insurance program has executed a contract for reinsurance.

(2) "Director" means the director of the pollution liability insurance agency and program appointed by the governor pursuant to chapter 70.148 RCW, or a person designated to act on the director's behalf.

(3) "Insurer" means a commercial property and casualty insurance company, risk retention group, or group of insurance companies or risk retention groups.

(4) "Loss reserve" means the amount traditionally set aside by insurers for costs and expenses related to claims that have been made.

(5) "Program" means the pollution liability insurance program created in chapter 70.148 RCW.

(6) "Surplus reserve" means the amount traditionally set aside by insurers to provide financial protection from unexpected losses and to serve, in part, as a measure of an insurer's net worth.

(7) "Unrestricted trust account balance" means the cash balance in the pollution liability insurance program trust account created in RCW 70.148.020 less reserves established under this chapter and any other encumbrances authorized by law or rule.

NEW SECTION

WAC 374-30-030 LOSS RESERVES—ESTABLISHMENT AND ADJUSTMENT. (1) When the director is notified by an insurer with whom a reinsurance contract has been entered into that claims have been made by policyholders, the director shall order the establishment of a loss reserve for each claim. The loss reserves will consist of an accounting transfer from the unrestricted trust account balance of funds sufficient to cover the program's estimated reinsurance reimbursement obligation for costs and expenses for each claim as reported by the insurer.

(2) In the event that the costs and expenses associated with a claim change during the claim adjustment and settlement process, the director shall order that the loss reserve established for that claim be adjusted to reflect changes in the program's reinsurance reimbursement obligation. Such adjustments shall consist of additional transfers of funds from or to the unrestricted trust account balance as required in each case.

NEW SECTION

WAC 374-30-040 LOSS RESERVES—USE AND DISPOSITION. (1) When the adjustment and settlement of claims for which the program has provided reinsurance has been completed, the insurer shall notify the director of the terms of final settlement and shall provide such documentation as the director may require. The director shall order that the insurer be reimbursed for those costs and expenses in excess of the insurer's contractual net retention that are properly due to the insurer under the reinsurance contract. Such payments will be made from the funds set aside as loss reserves for the pertinent claim.

(2) In the event that the program's final reinsurance obligation for any claim differs from the amount set aside as a loss reserve for that claim, adjustment shall be made as follows:

(a) If the program's reinsurance obligation is greater than the amount set aside as a loss reserve, the additional funds required shall be withdrawn from the unrestricted trust account balance.

(b) If the program's reinsurance obligation is less than the amount set aside as a loss reserve, the unutilized funds shall be restored to the unrestricted trust account balance.

NEW SECTION

WAC 374-30-050 SURPLUS RESERVES—ESTABLISHMENT AND ADJUSTMENT. The director shall establish a surplus reserve, consisting of an accounting segregation of funds from the unrestricted trust account balance, for the program in order to protect the program and the state against unexpected catastrophic losses and in order to establish a financial foundation for the program that will be acceptable to commercial insurers and insurance industry regulatory authorities. The surplus reserve shall be established as soon as practicable following the effective date of this rule, and shall be adjusted by the director from time to time as needed. In establishing and adjusting the surplus reserve, the director shall consider the following:

(1) The required minimum capitalization for insurers and reinsurers established in chapter 48.05 RCW.

(2) Similar requirements set forth in the laws and rules of the state or states in which the insurer or insurers for whom the program is providing reinsurance are domiciled.

(3) Generally accepted standards of financial soundness and solvency applicable to insurance and reinsurance.

(4) Actuarial analysis and information concerning likely levels of reinsurance cost and expense exposure of the program over time.

(5) Advice and information from the Washington insurance commissioner, insurance industry advisors, the pollution liability insurance program technical advisory committee, and other knowledgeable persons.

(6) The actual loss and expense experience of insurers and the program as this develops over time.

(7) Any additional information that the director may deem pertinent and relevant.

NEW SECTION

WAC 374-30-060 SURPLUS RESERVES—USE AND REESTABLISHMENT. Funds set aside as surplus reserves shall be used only for payment of reinsurance costs and expenses resulting from natural disasters, catastrophes, or other conditions not foreseen or expected through ongoing actuarial analysis and planning. Such payments

may be made only by order of the director. In the event that such use is made of any or all of the surplus reserves established by this rule, the surplus reserve balance shall be restored to required levels out of program revenues as expeditiously as possible.

WSR 90-10-095**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed May 2, 1990, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 392-121-260 Total eligible credits effective for the 1989-90 school year.

Purpose: To set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

Statutory Authority for Adoption: RCW 28A.41.055 and 28A.41.170.

Statute Being Implemented: RCW 28A.41.055 and 28A.41.170 [28A.41.170].

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, (206) 753-2298; Implementation: Robert Schley, Old Capitol Building, (206) 753-1717; and Enforcement: David Moberly, Old Capitol Building, (206) 753-6742.

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 does not change existing rules.

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 June 15, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, SPI Legal Services, Olympia, Washington 98504, by June 11, 1990.

Date of Intended Adoption: June 20, 1990.

May 2, 1990

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 89-3, filed 6/20/89)

WAC 392-121-260 DEFINITION—TOTAL ELIGIBLE CREDITS EFFECTIVE FOR THE 1989-90 SCHOOL YEAR. For the 1989-90 school year as used in this chapter, "total eligible credits" means the number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.

(2) For an employee whose highest degree is a master's degree, sum academic and in-service credits as defined in WAC 392-121-255 and

392-121-257 earned after the awarding or conferring of the master's degree.

NEW SECTION

WAC 329-121-261 DEFINITION—TOTAL ELIGIBLE CREDITS EFFECTIVE FOR THE 1990-91 SCHOOL YEAR AND THEREAFTER. For the 1990-91 school year and thereafter as used in this chapter, "total eligible credits" means the number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:

(a) The employee's highest degree is a bachelor's degree;

(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and

(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-270 PLACEMENT OF CERTIFICATED INSTRUCTIONAL STAFF WITH DEGREES ON THE STATE-WIDE SALARY ALLOCATION SCHEDULE AND ON LEAP DOCUMENT 1. Each certificated instructional employee with a degree shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 based on the employee's years of experience, highest degree level, and total eligible credits as defined in this chapter.

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) A certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.

(3) For placement on the state-wide salary allocation schedule and on LEAP Document 1, years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

(4) Effective for the 1992-93 school year and thereafter, an employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column of the state-wide salary allocation table and LEAP Document 1.

WSR 90-10-096

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 90-04—Filed May 2, 1990, 3:53 p.m.]

Date of Adoption: March 21, 1990.

Purpose: State legislation proposed in 1989 and a number of articles and position papers from other parts of the nation urge that schools guard against the misuse of aversive therapy (or negative behavior conditions). The extent of the use in Washington's public schools of various forms of aversive therapy is not known. Available information does indicate that the use of extreme forms of aversive therapy such as those specified in these proposed rules is infrequent to nonexistent. The purpose of these rules is to assure that the use of inappropriate

extreme forms of aversive therapy remains nonexistent, and to assure that less extreme forms which may constitute an appropriate component of the educational program of students with handicapping conditions are subject to procedural safeguards against their misuse.

Citation of Existing Rules Affected by this Order:
New sections WAC 392-171-800 through 392-171-830.

Statutory Authority for Adoption: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7).

Pursuant to notice filed as WSR 90-04-045 on January 31, 1990.

Effective Date of Rule: Thirty-one days after filing.

May 2, 1990
Judith A. Billings
Superintendent of
Public Instruction

NEW SECTION

WAC 392-171-800 AVERSIVE THERAPY—PURPOSE. The purpose of WAC 392-171-800 through 392-171-830 is to assure that students with a handicapping condition are safeguarded against the use and misuse of various forms of aversive therapy. Each school district and educational service district shall take steps to assure that each employee, volunteer, contractor, and other agent of the district responsible for the education, care, or custody of a student with a handicapping condition is aware of WAC 392-171-800 through 392-171-830. No school district and no educational service district shall authorize, permit, or condone the use of aversive therapy which violates WAC 392-171-805 through 392-171-825 by any employee, volunteer, contractor or other agent of the district responsible for the education, care, or custody of a student with a handicapping condition.

NEW SECTION

WAC 392-171-805 AVERSIVE THERAPY—DEFINITION. For the purpose of WAC 392-171-800 through 392-171-830, the term "aversive therapy" means the systematic use of stimuli or other treatment which a student is known to find painful or unpleasant for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

(1) A clear and present danger of serious harm to the student or another person.

(2) A clear and present danger of serious harm to property.

(3) A clear and present danger of seriously disrupting the educational process.

NEW SECTION

WAC 392-171-810 AVERSIVE THERAPY—DEFINITION OF STUDENT WITH A HANDICAPPING CONDITION. The terms "student with a handicapping condition" and "student" as used in WAC 392-171-800 through 392-171-830 mean the same as

"handicapped student" and "student" as defined in WAC 392-171-310(3).

NEW SECTION

WAC 392-171-815 AVERSIVE THERAPY—PROHIBITED FORMS. There are certain forms of aversive therapy that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or both. The purpose of this section is to uniformly prohibit their use respecting students with a handicapping condition, as follows:

(1) Electric current. No student may be stimulated by contact with electric current as a means of aversive therapy.

(2) Food services. No student who is willing to consume subsistence food or liquid when the food or liquid is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid as a means of aversive therapy.

(3) Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law may be used as a means of aversive therapy. See RCW 9A.16.100 which cites the following uses of force or restraint as uses which are presumed to be unreasonable and therefore unlawful:

- (a) Kicking, burning, or cutting a student.
- (b) Striking a student with a closed fist.
- (c) Shaking a student under age three.
- (d) Interfering with a student's breathing.
- (e) Threatening a student with a deadly weapon.

(f) Doing any other act that is likely to cause and which does cause bodily harm to a student greater than transient pain or minor temporary marks. Note: This statutory listing of worst case uses of force or restraint may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(4) Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care as a means of aversive therapy.

(5) Isolation. No student may be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure as a means of aversive therapy, except under the conditions set forth in WAC 392-171-820.

(6) Medication. No student may be denied or subjected to an unreasonable delay in the provision of oral medication as a means of aversive therapy.

(7) Noise. No student may be forced to listen to noise or sound which the student obviously finds painful as a means of aversive therapy.

(8) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance as a means of aversive therapy.

(9) Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or

otherwise attaching any part of the student's body to an object as a means of aversive therapy, except under the conditions set forth in WAC 392-171-820.

(10) Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration as a means of aversive therapy.

(11) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid as a means of aversive therapy.

NEW SECTION

WAC 392-171-820 AVERSIVE THERAPY—OTHER FORMS—CONDITIONS. Various forms of aversive therapy which are not prohibited by WAC 392-171-815 nevertheless warrant close scrutiny. Accordingly, the use of aversive therapy involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-171-815 is conditioned upon compliance with certain procedural and substantive safeguards, as follows:

(1) Bodily contact. The use of any form of aversive therapy not prohibited by WAC 392-171-815 which involves contacting the body of a student with a handicapping condition shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(2) Isolation. The use of aversive therapy which involves excluding a student with a handicapping condition from his or her regular instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:

(a) The isolation, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(b) The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.

(c) The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.

(3) Physical restraint. The use of aversive therapy which involves physically restraining or immobilizing a student with a handicapping condition by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object is subject to each of the following conditions:

(a) The restraint shall only be used when and to the extent it is reasonably necessary to protect the student, other persons, or property from serious harm.

(b) The restraint, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(c) The restraint shall not interfere with the student's breathing.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the restraint or the student shall continuously remain within view of an adult responsible for supervising the student.

NEW SECTION

WAC 392-171-825 AVERSIVE THERAPY—INDIVIDUALIZED EDUCATION PROGRAM REQUIREMENTS. The terms of a student's individualized education program (hereafter IEP) respecting the use of an aversive therapy involving bodily contact, isolation, or physical restraint shall meet each of the following requirements:

(1) The IEP shall be based upon and consistent with the recommendations of a multidisciplinary team which includes a school psychologist or other certificated employee who understands the appropriate use of the aversive therapy and who concurs with the recommended use of the aversive therapy.

(2) The IEP shall specify the aversive therapy that may be used.

(3) The IEP shall state the reason the aversive therapy is judged to be appropriate and the behavioral objective sought to be achieved by its use.

(4) The IEP shall describe the circumstances under which the aversive therapy may be used.

(5) The IEP shall describe or specify the maximum duration of any isolation or restraint.

(6) The IEP shall specify any special precautions that must be taken in connection with the use of the aversive therapy technique.

(7) The IEP shall specify the person or persons permitted to use the aversive therapy or the qualifications of the personnel permitted to use the aversive therapy.

(8) The IEP shall establish a means of evaluating the effects of the use of the aversive therapy and a schedule for periodically conducting the evaluation.

NEW SECTION

WAC 392-171-830 AVERSIVE THERAPY—PARENT COMPLAINT PROCESS. A parent of a student with a handicapping condition may file a complaint alleging a violation of WAC 392-171-815, 392-171-820, or 392-171-825 involving the student. Each such complaint shall be investigated and addressed by a school district, educational service district, and the superintendent of public instruction in accordance with the terms of chapter 392-168 WAC respecting citizen complaints. The terms of chapter 392-168 WAC are hereby incorporated into this section for such purposes.

WSR 90-10-097

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed May 2, 1990, 4:02 p.m.]

Date of Adoption: April 20, 1990.

Purpose: To amend the current WAC to include the actual costs of postage, mailing and UPS services in the charges allowed for copying of public records.

Citation of Existing Rules Affected by this Order: Amending WAC 446-10-090.

Statutory Authority for Adoption: RCW 42.17.250.

Pursuant to notice filed as WSR 90-04-027 on January 30, 1990.

Effective Date of Rule: Thirty days after filing.

April 20, 1990

R. W. Jensen

for George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 79-2, filed 3/23/79)

WAC 446-10-090 CHARGE FOR PUBLIC RECORDS ((COPYING)). No fee shall be charged for the inspection of public records. The department shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the department copy and duplicating equipment, and actual costs for postage, mailing and UPS services. ((This)) These charges ((is)) are the amounts necessary to reimburse the department for its actual costs incident to such copying and mailing.

WSR 90-10-098

WITHDRAWAL OF PROPOSED RULES

GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed May 2, 1990, 4:03 p.m.]

WAC 230-20-325, proposed by the Gambling Commission in WSR 89-21-067, appearing in issue 89-21 of the State Register, which was distributed on November 1, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-10-099

WITHDRAWAL OF PROPOSED RULES

FOREST PRACTICES BOARD

(By the Code Reviser's Office)

[Filed May 2, 1990, 4:04 p.m.]

WAC 222-16-010, 222-16-050, 222-16-060, 222-20-040, 222-20-050, 222-46-020, 222-46-030 and 222-46-040, proposed by the Forest Practices Board in WSR

89-20-066, appearing in issue 89-20 of the State Register, which was distributed on October 18, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-10-100
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Examining Board of Psychology)
(By the Code Reviser's Office)
[Filed May 2, 1990, 4:05 p.m.]

WAC 308-122-500, proposed by the Department of Health, Examining Board of Psychology, in WSR 89-21-051, appearing in issue 89-21 of the State Register, which was distributed on November 1, 1989, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 90-10-101
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:06 p.m.]

Original Notice.

Title of Rule: Chapter 72-100 WAC, Agency description.

Purpose: The purpose of this rule is to assist interested persons in dealing with the Washington State School for the Blind.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 34.05.220.

Summary: Description of agency methods of operation.

Reasons Supporting Proposal: Required by State Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the agency, stating the general course and method of its operations and the methods whereby the public may obtain information and make requests.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990
Bonnie Y. Terada
Assistant Attorney General

Chapter 72-100 WAC
ORGANIZATION

NEW SECTION

WAC 72-100-001 DESCRIPTION OF ORGANIZATION. (1) The Washington state school for the blind is a state agency established and organized under the authority of chapter 72.40 RCW. The primary purpose of the school is to educate and train visually impaired children.

(2) The school operates under the direction and control of the superintendent. A board of trustees serves as an advisory board to the superintendent and to the legislature and performs various other functions as provided in chapter 72.42 RCW. The school for the blind is comprised of three components: Education; residential life; and support services. The school principal directs the education component. The director of residential life oversees the residential life component. Support services are provided by consolidated services under an interagency agreement between the Washington state school for the blind and the Washington state school for the deaf. Medical services and outreach programs are under the direction of the superintendent. A detailed organizational chart is available at the administrative office of the school.

(3) The administrative office of the school is located at 2214 East 13th Street, Vancouver, Washington 98661. Any person may obtain additional information and make submissions and requests at the administrative office.

WSR 90-10-102
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:07 p.m.]

Original Notice.

Title of Rule: Chapter 72-108 WAC, Practice and procedure.

Purpose: To substantially adopt the model rules of procedure set forth by the chief administrative law judge.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 34.05.250.

Summary: The school substantially adopts the model rules of procedure as set forth by the chief administrative law judge.

Reasons Supporting Proposal: Required by RCW 34.05.250.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98660, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The school substantially adopts the model rules of procedure set forth by the chief administrative law judge pursuant to RCW 34.05.250 for use at the school.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 72-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 72-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the school, with the following exception: WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices. See WAC 72-108-090 which determines the use of cameras and recording devices at adjudicative proceedings. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the school shall govern.

NEW SECTION

WAC 72-108-020 APPOINTMENT OF PRESIDING OFFICERS. Unless the hearing is assigned to the office of administrative hearings, the superintendent or the superintendent's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the superintendent or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the superintendent or the superintendent's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 72-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 72-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Washington State School for the Blind
2214 East 13th Street, S-27
Vancouver, Washington 98661

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action

giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 72-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 72-108-070 CONFIDENTIALITY OF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding and regulate the use of photographic and recording equipment to preserve confidentiality.

NEW SECTION

WAC 72-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 72-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 72-108-070, except for the method of official recording selected by the school.

NEW SECTION

WAC 72-108-100 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Student conduct or disciplinary proceedings pursuant to WAC 72-120-225;
- (2) Amendment of education records pursuant to WAC 72-280-030; and
- (3) Residency determinations made pursuant to WAC 72-130-040.

WSR 90-10-103
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:08 p.m.]

Original Notice.

Title of Rule: Chapter 72-120 WAC, Student conduct code.

Purpose: To provide a comprehensive student conduct code and set forth the disciplinary process.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022.

Summary: These rules set forth student conduct which is prohibited and provides a framework for the disciplinary process which is consistent with the state and federal law governing the education of handicapped students.

Reasons Supporting Proposal: The need for a comprehensive student code and procedures and standards governing the imposition of corrective action.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes conduct regulations and prescribes the substantive and procedural due process rights of students served by the Washington State School for the Blind in order to provide an environment conducive to the education and development of visually impaired students.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990

Bonnie Y. Terada
Assistant Attorney General

Chapter 72-120 WAC
STUDENT CONDUCT CODE

NEW SECTION

WAC 72-120-010 STUDENT RESPONSIBILITIES AND DUTIES. The mission of the Washington state school for the blind is to provide specialized educational services to visually impaired students which will assist those students to develop skills, competencies and attitudes that are fundamental to the development of responsible, contributing citizens. Admission to the Washington state school for the blind carries with it the obligation of responsibility for the welfare of the school. In order to advance the mission of the school, it shall be the responsibility and duty of each student to pursue his/her course of studies, respect the rights of others, comply with written rules adopted herein, and submit to reasonable disciplinary action for violation(s) of such rules. This chapter is intended to assure that disciplinary action is imposed for just cause and in a fair and reasonable manner.

NEW SECTION

WAC 72-120-015 STUDENT RIGHTS. (1) Each student is guaranteed the following rights, within the limitations of statutory law and school policy which are deemed necessary to achieve the school's educational goals:

(a) Students possess the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(b) Students possess the rights, guaranteed under the Constitution, to freedom of expression, free inquiry, and peaceable assembly upon and within school facilities that are generally open and available to the public.

(c) Students possess the rights, guaranteed under the Constitution, to the free exercise of religion and to have their school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(d) Students possess the constitutional right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures, subject to limitations set forth in RCW 28A.67.300, 28A.67.310, 28A.67.320, and 28A.67.330.

(e) Students shall have the right to be free from unlawful interference in their pursuit of an education while enrolled at the Washington state school for the blind.

(f) Students shall not be deprived of the right to an equal educational opportunity in whole or in part by the Washington state school for the blind without due process including:

(i) Notice to the accused of the nature of the charges and the proposed disciplinary action; and

(ii) The opportunity to request a hearing as set forth in this chapter.

(2) The foregoing enumeration of rights shall not be construed to deny or disparage other rights guaranteed in the Constitution and the laws of the state of Washington.

(3) The school shall publish and make available to all students and parents, on an annual basis, written rules which state with reasonable clarity the types of misconduct for which disciplinary action may be imposed.

CONDUCT RULES

NEW SECTION

WAC 72-120-100 CONDUCT VIOLATIONS. A student who, either as actor, aider, abettor, or accomplice as defined in RCW 9A-.08.020, violates any provision of this chapter shall be subject to the disciplinary actions herein adopted.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(4) Disruption. Disorderly or abusive behavior which interferes with the rights of others, normal school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Disturbing the peace. Creating noise in such a way as to interfere with school functions.

(6) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school premises or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(7) False alarms. Falsely setting off, improper use or disablement of any safety equipment, alarm, exit sign, or other device.

(8) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(9) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee or school visitor, including knowing possession of stolen property.

(10) Conversion. Unauthorized use of school equipment or services.

(11) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his/her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(12) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(13) Smoking. The Washington state school for the blind supports the goal of the governor's nonsmoking policy and the policy of the public schools mandating a total ban on the use of all tobacco products by September 1, 1991. Students are not allowed to smoke or use tobacco products on school premises or during school-sponsored activities.

(14) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(15) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any narcotic or controlled substance as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(16) Weapons and dangerous chemicals. Unauthorized use, possession or storage of any weapon, explosives, dangerous chemicals, substances or instruments, which may be used to inflict bodily harm on another or damage upon school property or personal property.

(17) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

DISCIPLINARY PROCESS AND PROCEDURES

NEW SECTION

WAC 72-120-200 POLICY. The Washington state school for the blind has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, or suspension.

NEW SECTION

WAC 72-120-205 LIMITATIONS. (1) No form of disciplinary action shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirement: PROVIDED, That a student's academic grade or credit in a particular subject or course may be adversely affected as a result of excessive tardiness or absences.

(2) Corporal punishment as defined by the board of education in WAC 180-40-235 and the unreasonable use of force on children described in RCW 9A.16.100 as now or hereafter amended, is prohibited.

NEW SECTION

WAC 72-120-210 EMERGENCY REMOVAL FROM CLASS OR ACTIVITY. (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the principal or a designated school authority: PROVIDED, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the school. The removal from classes, subjects, or activities shall continue only until:

- (a) The danger or threat ceases; or
- (b) The principal or designated school authority acts to impose disciplinary action pursuant to this chapter.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take appropriate disciplinary action. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student therefrom of the action which has been taken.

NEW SECTION

WAC 72-120-220 SHORT-TERM SUSPENSION. (1) As used in this chapter "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) Unless otherwise prohibited, short-term suspensions may be imposed upon a student for violation(s) of rules adopted in WAC 72-120-100.

(3) A student may be suspended for a short term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: PROVIDED, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon the semester grade.

NEW SECTION

WAC 72-120-225 SHORT-TERM SUSPENSION—NOTICE AND CONFERENCE—GRIEVANCE PROCEDURE. (1) Prior to the short-term suspension of any student pursuant to WAC 72-120-220, a conference shall be conducted with the student as follows:

- (a) An oral or written notice of the alleged misconduct and violation(s) of school rules shall be provided to the student;
- (b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;
- (c) An oral or written explanation of the disciplinary action which may be imposed shall be provided to the student; and
- (d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to a brief adjudicative proceeding and that the suspension may possibly be reduced as a result of such proceeding.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension pursuant to WAC 72-120-220, shall have the right to a brief adjudicative proceeding in accordance with WAC 72-108-100. The school personnel member whose action is being grieved shall be notified of the initiation of a brief adjudicative proceeding as soon as reasonably possible. During the brief adjudicative proceeding the parties shall be entitled to question school personnel involved in the matter. The disciplinary action may continue notwithstanding the implementation of the grievance procedure set forth in this section.

NEW SECTION

WAC 72-120-230 SUSPENSION. (1) As used in this chapter "long-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) Unless otherwise prohibited, long-term suspensions may be imposed on a student for violation(s) of rules adopted in WAC 72-120-100.

(3) When a student engages in conduct that would warrant long-term suspension, the student, parent(s) or guardian(s) shall be notified immediately (within twenty-four hours) of the nature and circumstances of the misconduct, the disciplinary action proposed, and the time and location of the individualized education program (IEP) team meeting review.

(4) If a student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school is substantially likely to result in injury either to the student or to others, the school may temporarily suspend the student for up to ten school days, unless otherwise agreed by the school, parent(s)/guardian and student: PROVIDED, That the school shall immediately initiate and conduct a meeting to review the student's IEP pursuant to WAC 72-171-210(2). The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).

(5) If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 72-120-234 through 72-120-236.

(6) If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:

- (a) The school and parent(s) or guardian(s) agree otherwise; or
- (b) The IEP team recommends a change of placement.

(7) Notwithstanding any other provision of this chapter, a student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless otherwise agreed.

(8) Any party may request a hearing pursuant to WAC 72-171-600, on any matter described in this section.

(9) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

NEW SECTION

WAC 72-120-234 LONG-TERM SUSPENSION—MISCONDUCT UNRELATED TO HANDICAPPING CONDITION(S)—NOTICE. (1) A student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: PROVIDED, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempt by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature as to warrant immediate resort long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct unrelated to his/her handicapping condition(s):

(a) A conference shall be conducted with the student according to the procedures in WAC 72-120-225(1);

(b) Written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(i) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(ii) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(iii) Set forth the disciplinary action proposed;

(iv) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s);

(v) State that a written request for a hearing must be received by the school employee designated, or by his or her office within twenty days after receipt of the notice of opportunity for a hearing; and

(vi) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed.

NEW SECTION

WAC 72-120-236 LONG-TERM SUSPENSION—MISCONDUCT UNRELATED TO HANDICAPPING CONDITION(S)—HEARING. (1) The hearing shall be an adjudicative proceeding governed by the Administrative Procedure Act, chapter 34.05 RCW and chapter 72-108 WAC.

(2) If a request for a hearing is received pursuant to WAC 72-120-234 within the required time period, the superintendent or his or her designee shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received according to the requirements in chapter 10-08 WAC adopted in WAC 72-108-010.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the eligible student as defined in WAC 72-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made.

WSR 90-10-104

PROPOSED RULES

WASHINGTON STATE SCHOOL FOR THE BLIND

[Filed May 2, 1990, 4:09 p.m.]

Original Notice.

Title of Rule: Chapter 72-130 WAC, Nonresident tuition.

Purpose: To implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose admission is deemed appropriate by the school superintendent.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.050.

Summary: The rule defines "nonresident student"; sets forth the criteria for their admission to the school; and establishes a uniform method of assessing tuition rates of such students.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98860, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines "nonresident student"; sets forth the criteria for their admission to the school; and establishes a uniform method of assessing the tuition of such students.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 72-130 WAC
NONRESIDENT TUITION

NEW SECTION

WAC 72-130-010 PURPOSE. The purpose of this chapter is to implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose attendance at the Washington state school for the blind is deemed appropriate by the school superintendent.

NEW SECTION

WAC 72-130-020 DEFINITIONS. As used in this chapter, the term:

(1) "Residence" shall mean the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure,

etc., within which the student lives the majority of the time. The mailing address of the student—e.g., the parents' address or post office box—may be different than the student's principal abode. The lack of a mailing address does not preclude residency under this section.

(2) "Nonresident student" shall mean a student, otherwise eligible for enrollment, who is between the ages of three and twenty-one, and whose residence is located outside the state of Washington.

NEW SECTION

WAC 72-130-030 ADMISSION OF NONRESIDENT STUDENTS. (1) The school shall consider requests for the admission of nonresident students on the basis of the order in which such requests are made and without preference; provided however, that a conclusive preference in favor of admitting resident students shall be maintained.

(2) A nonresident student may be admitted only pursuant to a written agreement between the school superintendent and the student's parent(s) or guardian(s) (or, the nonresident student if such student is eighteen years or older).

NEW SECTION

WAC 72-130-035 CONTENTS OF ADMISSION AGREEMENTS. Agreements required by WAC 72-130-030 shall set forth:

(1) The name, age, and grade level of attendance of the nonresident student;

(2) The duration of the agreement;

(3) A finding that the nonresident student satisfies the admissions criteria set forth in WAC 72-171-150; and

(4) Such other terms and conditions as the parties deem advisable and as are consistent with this chapter.

NEW SECTION

WAC 72-130-040 CHALLENGES TO RESIDENCY DETERMINATIONS. (1) A parent, guardian, or adult student who wishes to challenge a residency determination shall utilize the brief adjudicative procedures set forth in RCW 34.05.482 through 34.05.494, as adopted in WAC 72-108-100.

(2) Requests for brief adjudicative procedures shall be written, signed, and directed to the superintendent within twenty days from the date that the original determination was rendered.

NEW SECTION

WAC 72-130-050 NONRESIDENT TUITION. (1) Uniform rate. The tuition for nonresident students who are enrolled pursuant to the provisions of this chapter shall be assessed at a uniform rate, consistent with the annual per capita cost of maintaining and educating a student.

(2) Tuition reduction. Any such tuition charge, however, may be ratably reduced in the event the nonresident student is enrolled part time and/or for less than a full school year.

(3) Annual adjustments. Nonresident tuition and fees shall be adjusted annually to reflect the actual per capita cost of education.

(4) Billing. Tuition for nonresident students shall be assessed on a quarterly basis. Quarterly payments shall be due in full prior to the first day of the quarter in which the nonresident student seeks to enroll.

WSR 90-10-105
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:10 p.m.]

Original Notice.

Title of Rule: Chapter 72-140 WAC, Use of school facilities.

Purpose: To inform the public of the school's policy on the public use of its facilities.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022.

Summary: This rule identifies policy and procedure relevant to the public use of school facilities.

Reasons Supporting Proposal: RCW 72.40.022(7) authorizes the superintendent to control the use of school facilities.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, WA 98661, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th Street, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule identifies the superintendent's policy on the public use of school facilities. The rule describes the application process as well as the reasonable conditions which may be imposed upon the applicant and the user group. The purpose of the rule is to inform the public on such topics, and it is anticipated that the rule will promote clarity and consistency in the public use of school facilities.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990
Bonnie Y. Terada
Assistant Attorney General

Chapter 72-140 WAC
USE OF SCHOOL FACILITIES

NEW SECTION

WAC 72-140-010 POLICY ON PUBLIC USE OF SCHOOL FACILITIES. Because the Washington state school for the blind is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which are either directly related to its educational mission or are justified on the basis of their contributions to the cultural, social, or economic development of the state and its visually impaired citizens. The school is not obligated to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 72-140-020 APPLICATION FOR USE OF SCHOOL FACILITIES. (1) Applications for use of school facilities should be made on the Facilities Request Form, available from the administrative office of the school, 2214 East 13th Street, Vancouver, Washington 98661.

(2) Reasonable conditions may be imposed upon the applicant to regulate the timeliness of the request, to determine the appropriateness of intended use of the space assigned, and to ensure proper maintenance of the facilities. A detailed listing of such conditions is available from the school's administrative office.

(3) The school may restrict an individual's or a group's use of school facilities if that person or group has, in the past, physically abused

school facilities. Charges may be imposed for damage or for any unusual costs related to the use of facilities.

NEW SECTION

WAC 72-140-030 ALLOCATION OF SPACE. Allocation of space shall be made in accordance with school regulations and on the basis of time, space, priority of request, and the demonstrated needs of the applicant. When allocating the use of school facilities, top priority will always be given to activities directly related to the school's mission. No arrangement shall be made that may interfere with, or operate to the detriment of, the school's own educational, research, residential, or public service programs.

NEW SECTION

WAC 72-140-040 BASIS OF FEE ASSESSMENT. (1) The school has established a three-tiered fee schedule for the use of school facilities. The schedule reflects the school's cost of operation and its evaluation of the intended purpose of the use. Groups closely affiliated with the school's mission, such as other state agencies or groups specifically promoting the education of the visually impaired, may be allowed access to school facilities free of charge. However, a small rental fee may be imposed if special operating costs are necessarily incurred. Other community groups will be charged according to the schedule. A current copy of the fee schedule is available from the school's administrative office.

(2) The school neither intends nor desires to compete with private enterprise in making its facilities available to the public. The school encourages the community to patronize local businesses whose privately operated facilities are well qualified to meet community needs.

NEW SECTION

WAC 72-140-050 GENERAL POLICIES LIMITING USE. (1) School facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the facilities as a permanent meeting place. Use shall be intermittent only.

(3) The school reserves the right to prohibit the use of school facilities by groups which restrict membership or participation in a manner inconsistent with the school's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These general policies shall apply to recognized student groups using school facilities.

NEW SECTION

WAC 72-140-060 SPECIFIC LIMITATIONS ON USE. (1) The permissible use of facilities is limited to the purpose stated in the application and approved by the superintendent.

(2) Only that portion of the building listed and approved on the application shall be available for use by the organization.

(3) The facility shall be vacated by the time listed on the facility usage form.

(4) The user group shall abide by these and all other limitations established by the superintendent and set forth in the superintendent's policy on use of school facilities. A copy of such policy is available at the administrative office of the school.

NEW SECTION

WAC 72-140-070 SUPERVISION. (1) Adult supervisors of student organizations using school facilities shall remain with their groups during usage, and shall ensure compliance with school regulations governing the use of facilities.

(2) A designated school employee or representative will be on site during usage, and will be compensated by the using organization when the event occurs outside of normal scheduled coverage.

NEW SECTION

WAC 72-140-080 PROHIBITED CONDUCT AT SCHOOL FACILITIES. (1) State law relative to public institutions governs the

use or possession of intoxicants on campus or at school functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on school property or at school functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in school facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted in accordance with published policy.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) No person or group may use or enter onto school facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

WSR 90-10-106
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:11 p.m.]

Original Notice.

Title of Rule: Chapter 72-171 WAC, Special education programs.

Purpose: To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and is in compliance with the Education for All Handicapped Children Act, Public Law 94-142, 20 U.S.C. §§ 1401, 1412-1417.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022, 72.40.024 and 20 U.S.C. §§ 1401, 1412-1417.

Summary: This chapter sets forth the standards and procedures to ensure that all handicapped students shall have the opportunity for an appropriate education at public expense, as available at the school.

Reasons Supporting Proposal: Required as a condition of receipt of federal funding.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

Rule is necessary because of federal law, 20 U.S.C. §§ 1401, 1412-1417.

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter sets forth standards and procedure prescribed by the Education for All Handicapped Children Act, Public Law 94-142, which will continue to be implemented at the school in a manner consistent with chapter 28A.13 RCW and the school's educational mission.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: [Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661,] by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

[April 30, 1990]

Bonnie Y. Terada
Assistant Attorney General

Chapter 72-171 WAC
SPECIAL EDUCATION PROGRAMS

NEW SECTION

WAC 72-171-001 PURPOSES. The purposes of this chapter are:

- (1) To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and in compliance with the Education for All Handicapped Children Act, 20 U.S.C. Sec. 1401 et seq.;
- (2) To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;
- (3) To assure that the rights of handicapped children and their parents are protected; and
- (4) To assess and assure the effectiveness of efforts to educate the handicapped students.

DEFINITIONS OF GENERAL APPLICATION

NEW SECTION

WAC 72-171-010 DEFINITIONS. As used in this chapter:

- (1) "Eligible student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.
- (2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:
 - (a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 and to be in need of special education and related services: PROVIDED, That a student enrolled at the Washington state school for the blind may continue past the age of twenty-one at the superintendent's discretion; or
 - (b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 in the judgment of the school superintendent or his or her designee, or the parent(s), or the eligible student; or
 - (c) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."
- (3) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 72-171-650, who represents a nonadult student. The term does not include the state if the child is a ward of the state.
- (4) "School" means Washington state school for the blind.
- (5) "Assessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine whether a student is visually handicapped or deaf-blind and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

- (a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;
 - (b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;
 - (c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 72-171-240; and
 - (d) Assure appropriate identification of the handicapping condition.
- (6) "Current assessment" means:
- (a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.
 - (b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(7) "Reassessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 72-171-430.

(8) "Consent" means that:

(a) The parent (or eligible student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or eligible student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or eligible student) understands that the granting of consent is voluntary on the part of the parent (or eligible student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the blind.

NEW SECTION

WAC 72-171-015 DEFINITION AND ELIGIBILITY CRITERIA FOR VISUALLY HANDICAPPED. WAC 392-171-446 shall be applicable to all students provided for by this chapter.

NEW SECTION

WAC 72-171-016 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF-BLIND. WAC 392-171-451 shall be applicable to all students provided for by this chapter.

ASSESSMENT AND PLACEMENT

NEW SECTION

WAC 72-171-100 INITIAL ASSESSMENT. (1) Prior to any action taken with respect to the initial placement of a student at the Washington state school for the blind, a full and individual assessment of the student's educational needs shall be conducted.

(2) A student may be admitted for the purpose of assessment.

(3) The school shall fully assess the student and arrive at a decision pursuant to WAC 72-171-130 within (a) thirty school days after written consent for assessment has been provided by the parent(s) or eligible student, or (b) such other time period as may be agreed to by the parent(s), eligible student, and school.

(4) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the school shall obtain written permission for such diagnostic placement from the parent(s).

(5) The school shall request the parent(s) to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

NEW SECTION

WAC 72-171-110 GENERAL AREAS OF ASSESSMENT. The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student, and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

NEW SECTION

WAC 72-171-120 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS, AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the suspected handicapping condition(s) of the student, aptitude and achievement tests, teacher recommendations

or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.

NEW SECTION

WAC 72-171-130 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The leader of the student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 72-171-120(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the placement decision pursuant to WAC 72-171-150 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the disability, if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a student's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, learning modalities, and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by the multidisciplinary team.

(3) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

NEW SECTION

WAC 72-171-140 INDEPENDENT EDUCATIONAL ASSESSMENT. (1)(a) The parent(s) of a student (or an eligible student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) The school shall provide to parent(s) (or eligible student), on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or eligible student).

(2) A parent (or eligible student) has the right to an independent educational assessment at public expense if the parent (or eligible student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or eligible student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or eligible student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or a hearing pursuant to WAC 72-171-600 et seq., to show that its assessment is appropriate: PROVIDED, That the school shall provide the parent(s) (or eligible student) written notice of the election to initiate mediation or a hearing no later than the tenth day after the date of receipt of the parent's (or eligible student's) written notice of disagreement;

(c) If the final decision is that the school assessment is appropriate, the parent (or eligible student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate a hearing or is not upheld by the final decision, the independent assessment requested by the parent (or eligible student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) If the parent (or eligible student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.

NEW SECTION

WAC 72-171-150 **ADMISSION AND PLACEMENT.** In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the blind when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the blind;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the blind;

(3) Assessment pursuant to the procedures in this chapter has been completed and vision loss or impairment is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 72-171-120(1), the parents and a representative of the school district of the student's residence meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 72-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s)' and school district's commitment to work in cooperation to meet the student's needs; and

(5) The multidisciplinary team described in WAC 72-171-120(1) recommends placement at the Washington state school for the blind.

INDIVIDUALIZED EDUCATION PROGRAMS

NEW SECTION

WAC 72-171-200 **DEFINITION.** As used in this chapter, the term "individualized education program" (IEP) means a written statement for a handicapped student that is developed and implemented in accordance with 20 U.S.C. Sec. 1401(19).

NEW SECTION

WAC 72-171-210 **MEETINGS.** (1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.

NEW SECTION

WAC 72-171-220 **PARTICIPANTS IN IEP MEETINGS.** (1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 72-171-230;

(d) The student, if appropriate or the eligible student; and

(e) Other individuals at the discretion of the school, parent(s), or eligible student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.

NEW SECTION

WAC 72-171-230 **PARENT PARTICIPATION.** (1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or eligible student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or eligible students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent a copy of the IEP upon request.

NEW SECTION

WAC 72-171-240 **CONTENT OF THE IEP.** The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

ANNUAL REVIEW OR PLACEMENT AND STUDENT PROGRESS-REASSESSMENT

NEW SECTION

WAC 72-171-400 ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS-PROGRAM EVALUATION. (1) The placement of each student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 72-171-210.

(2) Evaluation of the program for each student shall be based upon his or her progress toward the accomplishment of the goals and objectives set forth in the student's IEP. Specific methods of evaluating and demonstrating program results shall be determined in accordance with the school's policies and procedures and the student's IEP.

(3) The program's performance measurement shall be recorded and reported at all stages of implementation, and the results of the evaluation shall be reported to parent(s) (or the eligible student).

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and anticipated achievement.

(5) The school shall continually develop alternatives to improve methods and results that are based upon the evaluation of a student's achievement.

NEW SECTION

WAC 72-171-410 REASSESSMENT. (1) Each student shall be reassessed in accordance with the procedures specified in WAC 72-171-110 through 72-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an adult student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 72-171-015 and 72-171-016. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

NEW SECTION

WAC 72-171-420 REASSESSMENT PURPOSES. The purposes of reassessment are to determine:

(1) Whether the student is appropriately classified as deaf and hard of hearing;

(2) Whether the program designed for the student is appropriate to meet his or her unique needs, abilities, and limitations; and

(3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

NEW SECTION

WAC 72-171-430 REASSESSMENT NOTICE. (1) The school shall provide written notice to parent(s) (or an eligible student) ten calendar days prior to conducting reassessment. Such notice shall include:

(a) Procedural safeguard requirements provided in WAC 72-171-510;

(b) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request, the notice shall include the source of and reasons for such request;

(c) A statement that the student's records will be reviewed as a part of the reassessment and that the parent(s) (or eligible student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(d) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures; and

(e) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 72-171-120.

(2) Following completion of the reassessment, the superintendent or his or her designee shall record the determinations set forth in WAC 72-171-420. In accordance with WAC 72-171-510, the parent(s) (or the eligible student) shall be notified of the school's decision within ten calendar days following completion of reassessment. If the program is found to be inappropriate, an individualized education program meeting shall be convened in accordance with WAC 72-171-200 through 72-171-240 and the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

NOTICE REQUIREMENTS

NEW SECTION

WAC 72-171-500 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC 72-171-510 shall be given to the parent(s) (or the eligible student) a reasonable time before the school:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

NEW SECTION

WAC 72-171-510 CONTENTS OF THE NOTICE. (1) The notice required by WAC 72-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or eligible student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or eligible student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication;

(b) The parent (or eligible student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

HEARINGS

NEW SECTION

WAC 72-171-600 RIGHT TO INITIATE. (1) A parent, eligible student, or the superintendent (or his or her designee) may initiate a hearing on any of the matters described in WAC 72-171-500 (1) and (2). The hearing is an adjudicative proceeding governed by Public Law 94-142 and the Administrative Procedure Act, chapter 34.05 RCW. The hearing shall be conducted by an administrative law judge with the office of administrative hearings according to WAC 392-101-010.

(2) A request by parents or an eligible student for a hearing pursuant to this section shall:

- (a) Be in writing;
- (b) Be mailed or provided directly to the superintendent of the Washington state school for the blind with copies of the request mailed or provided directly to the following, at the time the request is made:
 - (i) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504;
 - (ii) Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101; and
 - (iii) Superintendent of the school district of the student's residence;
- (c) Explain the complaint of the parent(s) or eligible student in specific terms.

(3) A request by the school for a hearing pursuant to this section shall:

- (a) Be in writing;
- (b) Be mailed or provided directly to the Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101, with copies of the request and attachments mailed or provided directly to the following, at the time the request is made:
 - (i) The student's parent(s) or the eligible student;
 - (ii) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and
 - (iii) The superintendent of the school district of the student's resident;

(c) Have attached to such request (and all copies) a copy of the notice to parent(s) or eligible student required by WAC 72-171-500. If the hearing request is in response to a request for an independent educational assessment pursuant to WAC 72-171-140, the school's request for hearing shall also have attached a copy of the written notice to the superintendent required by WAC 72-171-140(2).

(4) A notice of hearing requested by a student's parent(s) (or eligible student) or by the school pursuant to this section shall be served by the office of administrative hearings as set forth in WAC 10-08-040. In addition to the information specified in RCW 34.05.434 the notice shall include:

- (a) The issue(s) to be addressed at the hearing to the extent the issue(s) has/have been identified at the time of the notice;
 - (b) The rights, procedures, and other matters set forth in WAC 72-171-610 through 72-171-640; and
 - (c) The right of the parent(s) or eligible student to seek an independent assessment at public expense pursuant to WAC 72-171-140.
- (5) The hearing shall be conducted in accordance with the provisions of chapter 10-08 WAC unless modified by this chapter.

NEW SECTION

WAC 72-171-610 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 72-171-600 has the right to:

- (a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;
- (b) Be advised and/or represented by an attorney;
- (c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;
- (d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
- (e) Obtain a written or electronic verbatim record of the hearing at a cost no greater than actual fees for recording and transcription; and
- (f) Obtain written findings of fact, conclusions of law, and decisions (which shall be transmitted, after deleting any personally identifiable information, to the state advisory council on the education of handicapped children as set forth in WAC 392-171-305).

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or eligible students) who are a party to a hearing have the right to open the hearing to the public.

NEW SECTION

WAC 72-171-620 TIMELINE FOR DECISION. (1) A final decision in the hearing will be made not later than forty-five days after the date of receipt of a request for hearing: PROVIDED, That the presiding officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(2) A copy of the decision consisting of the findings of fact, conclusions of law, and decisions shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the presiding officer together with a certification of the date of mailing and the parties to whom it was mailed.

(3) In addition to the requirements set forth in RCW 34.05.461 and WAC 10-08-210, the decision of the presiding officer shall be drafted in a manner which avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

(5) A decision made in a hearing conducted under this chapter is final unless a petition for review is filed under WAC 72-171-630.

NEW SECTION

WAC 72-171-630 PETITION FOR REVIEW. (1) Any party aggrieved by the decision in the hearing may petition for review.

(2) The petition for review shall be filed with the office of administrative hearings within twenty days of the date of service of the decision. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the portions of the decision in the hearing to which exception is taken and shall refer to the evidence of the record which is relied upon to support the petition.

(4) Any party may file a reply to a petition for review. The reply shall be filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or representatives at the time the reply is filed.

(5) In addition to the requirements set forth in RCW 34.05.464, the reviewing officer shall:

- (a) Ensure that the procedures at the hearing were consistent with the requirements of due process;
 - (b) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in WAC 72-171-610 apply; and
 - (c) Make an independent decision within thirty days after the receipt of the petition for review, including all matters required by WAC 72-171-620 (2) and (3).
- (6) The decision made by the reviewing officer is final unless modified or overturned by a court of law.

NEW SECTION

WAC 72-171-640 STUDENT'S STATUS DURING PROCEEDINGS. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 72-171-600, unless the school and the parent(s) of the student (or the eligible student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) or the eligible student, shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

NEW SECTION

WAC 72-171-650 SURROGATE PARENTS. (1) The school shall ensure that the rights of the nonadult student are protected when:

- (a) No parent (as defined in WAC 72-171-010(3)) can be identified;
- (b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (c) The student is a ward of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

WSR 90-10-107
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed May 2, 1990, 4:12 p.m.]

Original Notice.

Title of Rule: Chapter 72-276 WAC, Public records.

Purpose: To provide information and instruction on how to access and inspect public records at the school.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 42.17.250 - [42.17].340.

Summary: The rules provide information and instruction on how to request, inspect and obtain copies of public records at the school.

Reasons Supporting Proposal: RCW 42.17.250 to 42.17.340 require that procedures be established for access to public records.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, 696-6471; **Implementation and Enforcement:** Dr. Roy Brothers, Superintendent, 2214 East 13th, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules provide information and instruction to the public on how to access, inspect and obtain copies of public records at the school, consistent with RCW 42.17.250 - [42.17].340.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 72-276 WAC
PUBLIC RECORDS

NEW SECTION

WAC 72-276-010 **PURPOSE.** The purpose of this chapter is to ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 72-276-020 **DEFINITIONS.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: PROVIDED, HOWEVER, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) Washington state school for the blind. "Washington state school for the blind" is an agency organized by statute pursuant to RCW 72.40.010. Washington state school for the blind shall hereafter be referred to as the "school." Where appropriate, the term "school" also refers to staff and employees of the school.

NEW SECTION

WAC 72-276-030 **DESCRIPTION OF CENTRAL ORGANIZATION OF WASHINGTON STATE SCHOOL FOR THE BLIND.** (1) Washington state school for the blind is a state agency established and organized under the authority of chapter 72.40 RCW for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010. The administrative office of the school is located in Vancouver, Washington. The Vancouver campus comprises the central headquarters for all operations of the school.

(2) The school operates under the supervision and control of the superintendent of the state school for the blind, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the states' congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.41 RCW.

(4) The school is comprised of three components. The education component is under the direction of the school principal. The residential life component is under the supervision of the director of residential life. The support services component is provided by consolidated services under an interagency agreement between the Washington state school for the blind and the Washington state school for the deaf. Medical services and outreach programs are under the direction of the superintendent. A detailed description of the administrative organization of the school is available at the administrative office of the school.

NEW SECTION

WAC 72-276-040 OPERATIONS AND PROCEDURES. Formal decision-making procedures are established by the superintendent through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA).

NEW SECTION

WAC 72-276-050 PUBLIC RECORDS AVAILABLE. All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 72-276-060 PUBLIC RECORDS OFFICER. The school's public records shall be in the charge of the public records officer designated by the superintendent of the school. The person so designated shall be located in the school administrative office. The public records officer shall be responsible for the following: Implementation of the school's rules and regulations regarding release of public records, coordinating the school employees in this regard, and generally ensuring compliance by school employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 72-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the school. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar.

NEW SECTION

WAC 72-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the school which shall be available at the school administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the school staff at the school administrative office during customary hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index; and
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

NEW SECTION

WAC 72-276-090 COPYING. No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 72-276-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The school reserves the right to determine that

a public record requested in accordance with the procedures outlined in WAC 72-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 72-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 72-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made at the administrative office of the school in Vancouver, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 72-276-090.

NEW SECTION

WAC 72-276-130 RECORDS INDEX. (1) The school has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the school after January 1, 1973:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines

upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the school shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 72-276-140 ADOPTION OF FORM. The school hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

**REQUEST FOR PUBLIC RECORD TO
WASHINGTON STATE SCHOOL FOR THE BLIND**

(a) _____
Name (please print) Signature

Name or Organization, if applicable

Mailing Address of Applicant Phone Number

(b) _____
Date Request Made Time of Day Request Made

(c) Nature of Request _____

(d) Identification Reference on Current Index (Please Describe) _____

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Washington State School for the Blind _____

Request: APPROVED _____ DENIED _____ Date _____

By _____
Name Title

Reasons for Denial: _____

Referred to _____ Date _____

By _____
Name Title

**WSR 90-10-108
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed May 2, 1990, 4:13 p.m.]**

Original Notice.

Title of Rule: Chapter 72-280 WAC, Family Educational Rights and Privacy Act of 1974.

Purpose: To insure compliance with the Family Educational Rights and Privacy Act and the Education of the Handicapped Act by establishing guidelines for the responsible handling of student education records.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. 1232(g), 1412(2)(D), 1414 (a)(1) and 1417(c).

Summary: Regulations governing confidentiality of student records and right to privacy as well as access to those records.

Reasons Supporting Proposal: Required as a condition of receipt of federal funding.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, Suite 110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Roy Brothers, Superintendent, 2214 East 13th Street, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

Rule is necessary because of federal law, 20 U.S.C. 1232(g), 1412 (2)(D), 1414 (a)(1) and 1417(c).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will provide public notice that the Washington State School for the Blind intends to comply with the requirements of the Family Educational Rights and Privacy Act and the Education of the Handicapped Act.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990
Bonnie Y. Terada
Assistant Attorney General

**Chapter 72-280 WAC
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
1974**

NEW SECTION

WAC 72-280-010 CONFIDENTIALITY OF STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232(g), and the Education of the Handicapped Act, 20 U.S.C. Secs. 1400 through 1420, this policy has been created:

(1) To ensure that information contained in student education records is treated in a responsible manner with due regard for the personal nature of such information;

(2) To ensure the accuracy of information contained in student education records by providing parents (or eligible students) with the opportunity to inspect the records; and

(3) To ensure the continued confidentiality of such records by establishing procedures governing the release of information contained therein.

NEW SECTION

WAC 72-280-011 DEFINITIONS. As used in this chapter:

(1) "Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(3) "Education records" means those records, files, documents, and other materials that are:

- (a) Maintained by the school; and
- (b) Directly related to a student.

The term "education records" does not include:

(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(ii) Records of the school security department that are kept apart from education records, maintained solely for law enforcement purposes, and are not available to persons other than law enforcement officials of the same jurisdiction;

(iii) In the case of persons who are employed by but do not attend the school, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school who is employed as a result of his or her status as a student;

(iv) Records on a student who is eighteen years of age or older that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and that are created, maintained, or used only in connection with the treatment of the student; and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(v) Records that contain only information relating to an individual after he or she is no longer a student at the school.

(4) "Eligible student" means a student who has reached eighteen years of age. When a student becomes an "eligible student," the rights accorded to, and the consent required of, parents under this chapter, transfer from the parents to the student.

(5) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(6) "Party" means an individual, agency, institution, or organization.

(7) "Personally identifiable information" includes, but is not limited to the student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or student number; a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.

(8) "Student" means any individual who is or has been in attendance at the school and regarding whom the school maintains education records.

NEW SECTION

WAC 72-280-015 NOTICE. The school shall provide parents of student (or eligible students) currently in attendance with annual notice of their rights under this chapter. The notice shall inform parents (or eligible students) of their right to:

- (1) Inspect and review the student's education records;
- (2) Request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- (3) Consent to disclosure of personally identifiable information contained in the student's education records;
- (4) Obtain a copy of the school's policy on access to and disclosure of education records; and
- (5) File with the United States Department of Education a complaint concerning alleged failures to comply with the requirements of the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 72-280-020 EDUCATION RECORDS—PARENTS' (OR ELIGIBLE STUDENTS') RIGHT TO INSPECT. (1) A parent, eligible student, or representative of the parent has the right to inspect and review the education records of the student.

(2) Where the education record or data includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) The parent (or eligible student) has the right to obtain copies of the student's education records. Charges for the copies shall not exceed the cost normally charged by the school. However, if the fee effectively prevents the parent (or eligible student) from exercising the right to inspect and review the student's education records, the school may provide such copies free of charge.

(4) The school may presume that a parent has authority to inspect and review records relating to his/her child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

NEW SECTION

WAC 72-280-025 EDUCATION RECORDS—ACCESS PROCEDURES. (1) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent at the superintendent's office.

(2) A request by a parent (or eligible student) for review of information should be made in writing to the individual or office having custody of the record.

(3) The custodian of the record shall respond to reasonable requests for inspection, explanation, and interpretation of education records within forty-five days from the date the request was received and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student. If the records custodian is unable to comply with a request within the above stated period, he or she shall inform the parent (or eligible student) of that fact and the reasons in writing.

NEW SECTION

WAC 72-280-030 EDUCATION RECORDS—AMENDMENT. (1)(a) A parent (or eligible student) who believes that information contained in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, may request the school to amend the information.

(b) The right to challenge, under this chapter, shall not be used to contest grades which are correctly recorded.

(2) The school shall decide whether to amend the record as requested within a reasonable time after receipt of the request.

(3) If the school decides not to amend the record as requested, it shall inform the parent (or eligible student) of the decision and of the right to a brief adjudicative proceeding under WAC 72-108-100.

(4) The school shall, on request, provide an opportunity for a brief adjudicative proceeding to challenge information in the education record on the grounds provided for in subsection (1) of this section.

(5) For the purpose of this chapter:

(a) The decision of the brief adjudicative proceeding must be based solely on the evidence presented at the brief adjudicative proceeding and must include a summary of the evidence and the reasons for the decision.

(b) The parent (or eligible student) may, at their own expense, be assisted or represented by one or more individuals of his or her choice, including an attorney. Where the parent (or eligible student) is represented by an attorney, the school may be represented by an assistant attorney general.

(6) If, as a result of the brief adjudicative proceeding, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or eligible student) in writing.

(7) If, as a result of the brief adjudicative proceeding, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent (or eligible student) of the right to place in the records it maintains on the student a statement commenting on the information

or setting forth any reasons for disagreeing with the decision of the school, (or both).

(8) Any explanation placed in the records of the student under this section must:

(a) Be maintained by the school as part of the records of the student as long as the record or contested portion is maintained by the school; and

(b) Be included with any disclosure of the record or contested portion to which the explanation relates.

NEW SECTION

WAC 72-280-040 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS.

(1) The school shall not permit access to or the release of education records or personally identifiable information contained there (other than "directory information") without the written consent of the parent (or eligible student) to any party other than the following:

(a) School officials, including teachers, when the information is required for a legitimate educational interest within the performance of their responsibilities to the school, with the understanding that its use will be strictly limited to the performance of those responsibilities;

(b) Officials of another school, school system, or institution of post-secondary education who have requested the records and in which the student seeks or intends to enroll, upon condition that:

(i) The parent (or eligible student) be notified of the transfer (unless the disclosure is initiated by the parent or eligible student);

(ii) The parent (or eligible student), upon request, receive a copy of the record that was disclosed; and

(iii) The parent (or eligible student), upon request, receive an opportunity for a brief adjudicative proceeding to challenge the content of the record;

(c) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state-supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements;

(d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction: PROVIDED, That the study is conducted in such a manner that does not permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity designated by judicial order or lawfully issued subpoena: PROVIDED, That the school makes a reasonable effort to notify the parent (or eligible student) of the order or subpoena in advance of compliance. Any school employee receiving a subpoena or judicial order for education records should immediately notify the attorney general;

(g) Those individuals or agencies to which a release of information without consent is permitted by the rules that implement the Family Educational Rights and Privacy Act of 1974, 34 C.F.R. Secs. 99.31 through 99.37.

(2) Where the consent of a parent (or eligible student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) When a disclosure is made under subsection (2) of this section, if a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.

(4) Personally identifiable education records released to third parties, with or without parent (or eligible student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or eligible student).

(5) Unless otherwise prohibited by law, information from education records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 72-280-050 SAFEGUARDS. (1) The school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(2) A school official shall insure the confidentiality of any personally identifiable information.

(3) The school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information.

NEW SECTION

WAC 72-280-055 RECORD OF ACCESS. (1) The school shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The school shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(a) The name of the party;

(b) The date access was given; and

(c) The legitimate interest or purpose for which the party is authorized to use the records.

(4) If the party receiving personally identifiable information makes further disclosures of the information on behalf of the school, the record must include:

(a) The names of additional parties to which the receiving party may disclose the information; and

(b) The legitimate interests under WAC 72-280-040 which each of the additional parties has in requesting or obtaining the information.

(5) Subsection (1) of this section does not apply if the request was from, or the disclosure was to:

(a) The parent or eligible student;

(b) A school official under WAC 72-280-040 (1)(a);

(c) A party with written consent from the parent or eligible student; or

(d) A party seeking directory information.

NEW SECTION

WAC 72-280-060 DESTRUCTION OF INFORMATION. (1) Student education records may be destroyed in accordance with state laws and regulations: PROVIDED, That the school shall not destroy any education records if there is an outstanding request to inspect and review the records under this chapter.

(2)(a) The school shall inform parents (or eligible students) when personally identifiable information is no longer needed to provide educational services to the student.

(b) At the request of a parent (or eligible student), the school shall destroy personally identifiable information. However, the school may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year of completion without time limitation.

(3) For the purpose of this section, "destruction" means physical destruction or removal of personal identifiers.

NEW SECTION

WAC 72-280-070 DIRECTORY INFORMATION. (1) The school shall provide public notice to parents of students in attendance and eligible students in attendance at the school of:

(a) The types of personally identifiable information that the school has designated as directory information;

(b) A parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(2) The school shall not disclose directory information pertaining to a student in attendance at the school without prior written consent from the parents of such student or such eligible student.

WSR 90-10-109
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed May 2, 1990, 4:14 p.m.]

Original Notice.

Title of Rule: Chapter 72-325 WAC, State Environmental Policy Act rules.

Purpose: To implement the State Environmental Policy Act, chapter 43.21C RCW.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 43.21C.030.

Summary: The rule sets forth the school's intent to comply with the State Environmental Policy Act.

Reasons Supporting Proposal: The State Environmental Policy Act, chapter 43.21C RCW, requires the agency to promulgate such rules.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98660, 696-6471; **Implementation and Enforcement:** Dr. Roy Brothers, Superintendent, 2214 East 13th Street, Vancouver, 696-6322.

Name of Proponent: Washington State School for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Blind, Administration Building, 1st Floor Conference Room, 2214 East 13th Street, Vancouver, WA, on June 14, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 14, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 72-325 WAC
 STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 72-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Washington state school for the blind that all actions taken by the school shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy Act) and chapter 197-11 WAC as presently enacted or hereafter amended.

(2) The superintendent, or his or her designee, shall be responsible for administering and implementing this policy.

WSR 90-10-110
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF

[Filed May 2, 1990, 4:15 p.m.]

Original Notice.

Title of Rule: Chapter 148-100 WAC, Agency description.

Purpose: The purpose of this rule is to assist interested persons in dealing with the Washington State School for the Deaf.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 34.05.220.

Summary: Description of agency methods of operation.

Reasons Supporting Proposal: Required by State Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, WA 98661, 696-6471; **Implementation and Enforcement:** Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the agency, stating the general course and method of its operations and the methods whereby the public may obtain information and make requests.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA, on June 13, 1990, at 10:00.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 148-100 WAC
 ORGANIZATION

NEW SECTION

WAC 148-100-001 DESCRIPTION OF ORGANIZATION. (1) The Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW. The primary purpose of the school is to educate and train hearing impaired children.

(2) The school operates under the direction and control of the superintendent. The board of trustees serves as an advisory board to the superintendent and to the legislature and performs various other functions as provided in chapter 72.42 RCW. The school provides consolidated services for the use of the Washington state school for the deaf and the Washington state school for the blind under an interagency agreement. A description of the administrative organization of the school is available at the administrative office of the school.

(3) The administrative office of the school is located at 611 Grand Blvd., Vancouver, Washington 98661. Any person may obtain additional information and make submissions and requests at the administrative office.

WSR 90-10-111
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed May 2, 1990, 4:16 p.m.]

Original Notice.

Title of Rule: Chapter 148-108 WAC, Practice and procedure.

Purpose: To substantially adopt the model rules of procedure set forth by the chief administrative law judge.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 34.05.250.

Summary: The school substantially adopts the model rules of procedure as set forth by the chief administrative law judge.

Reasons Supporting Proposal: Required by RCW 34.05.250.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98660, 696-6471; **Implementation and Enforcement:** Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The school substantially adopts the model rules of procedure set forth by the chief administrative law judge pursuant to RCW 34.05.250 for use at the school.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990
Bonnie Y. Terada
Assistant Attorney General

Chapter 148-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 148-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the school, with the following exception: WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices. See WAC 148-108-090 which determines the use of cameras and recording devices at adjudicative proceedings.

Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the school shall govern.

NEW SECTION

WAC 148-108-020 APPOINTMENT OF PRESIDING OFFICERS. Unless the hearing is assigned to the office of administrative hearings, the superintendent or the superintendent's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the superintendent or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the superintendent or the superintendent's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 148-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 148-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Washington State School for the Deaf
611 Grand Boulevard, S-26
Vancouver, Washington 98661

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 148-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 148-108-070 CONFIDENTIALITY OF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding and regulate the use of photographic and recording equipment to preserve confidentiality.

NEW SECTION

WAC 148-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceedings shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 148-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 148-108-070, except for the method of official recording selected by the school.

NEW SECTION

WAC 148-108-100 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Student conduct or disciplinary proceedings pursuant to chapter 148-120 WAC;
- (2) Amendment of education records pursuant to WAC 148-280-030; and
- (3) Residency determinations made pursuant to WAC 148-130-040.

WSR 90-10-112
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF

[Filed May 2, 1990, 4:17 p.m.]

Original Notice.

Title of Rule: Chapter 148-130 WAC, Nonresident tuition.

Purpose: To implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose admission is deemed appropriate by the school superintendent.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.050.

Summary: The rule defines "nonresident student"; sets forth the criteria for their admission to the school; and establishes a uniform method of assessing tuition rates of such students.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98860, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines "nonresident student"; sets forth the criteria for their admission to the school; and establishes a uniform method of assessing the tuition of such students.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990
 Bonnie Y. Terada
 Assistant Attorney General

Chapter 148-130 WAC
 NONRESIDENT TUITION

NEW SECTION

WAC 148-130-010 PURPOSE. The purpose of this chapter is to implement RCW 72.40.050 by establishing a reasonable and uniform tuition charge for nonresident students whose attendance at the Washington state school for the deaf is deemed appropriate by the school superintendent.

NEW SECTION

WAC 148-130-020 DEFINITIONS. As used in this chapter, the term:

- (1) "Residence" shall mean the physical location of a students' principal abode—i.e., the home, house, apartment, facility, structure, etc., within which the student lives the majority of the time. The mailing address of the student—e.g., the parents' address or post office box—may be different than the student's principal abode. The lack of a mailing address does not preclude residency under this section.
- (2) "Nonresident student" shall mean a student, otherwise eligible for enrollment, who is between the ages of three and twenty-one, and whose residence is located outside the state of Washington.

NEW SECTION

WAC 148-130-030 ADMISSION OF NONRESIDENT STUDENTS. (1) The school shall consider requests for the admission of nonresident students on the basis of the order in which such requests are made and without preference; provided however, that a conclusive preference in favor of admitting resident students shall be maintained.

(2) A nonresident student may be admitted only pursuant to a written agreement between the school superintendent and the student's parent(s) or guardian(s) (or, the nonresident student if such student is eighteen years or older).

NEW SECTION

WAC 148-130-035 CONTENTS OF ADMISSION AGREEMENTS. Agreements required by WAC 148-130-030 shall set forth:

- (1) The name, age, and grade level of attendance of the nonresident student;
- (2) The duration of the agreement;
- (3) A finding that the nonresident student satisfies the admissions criteria set forth in WAC 148-171-150; and
- (4) Such other terms and conditions as the parties deem advisable and as are consistent with this chapter.

NEW SECTION

WAC 148-130-040 CHALLENGES TO RESIDENCY DETERMINATIONS. (1) A parent, guardian, or adult student who wishes to challenge a residency determination shall utilize the brief adjudicative procedures set forth in RCW 34.05.482 through 34.05.494, as adopted in WAC 148-108-100.

(2) Requests for brief adjudicative procedures shall be written, signed, and directed to the superintendent within twenty days from the date that the original determination was rendered.

NEW SECTION

WAC 148-130-050 NONRESIDENT TUITION. (1) Uniform rate. The tuition for nonresident students who are enrolled pursuant to the provisions of this chapter shall be assessed at a uniform rate, consistent with the annual per capita cost of maintaining and educating a student.

(2) Tuition reduction. Any such tuition charge, however, may be ratably reduced in the event the nonresident student is enrolled part time and/or for less than a full school year.

(3) Annual adjustments. Nonresident tuition and fees shall be adjusted annually to reflect the actual per capita cost of education.

(4) Billing. Tuition for nonresident students shall be assessed on a quarterly basis. Quarterly payments shall be due in full prior to the first day of the quarter in which the nonresident student seeks to enroll.

WSR 90-10-113
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed May 2, 1990, 4:18 p.m.]

Original Notice.

Title of Rule: Chapter 148-140 WAC, Use of school facilities.

Purpose: To inform the public of the school's policy on the public use of its facilities.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022(7).

Summary: This rule identifies policy and procedure relevant to the public use of school facilities.

Reasons Supporting Proposal: RCW 72.40.022(7) authorizes the superintendent to control the use of school facilities.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; **Implementation and Enforcement:** Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule identifies the superintendent's policy on the public use of school facilities. The rule describes the application process as well as the reasonable conditions which may be imposed upon the applicant and the user group. The purpose of the rule is to inform the public on such topics, and it is anticipated that the rule will promote clarity and consistency in the public use of school facilities.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990
 Bonnie Y. Terada
 Assistant Attorney General

Chapter 148-140 WAC
 USE OF SCHOOL FACILITIES

NEW SECTION

WAC 148-140-010 POLICY ON PUBLIC USE OF SCHOOL FACILITIES. Because the Washington state school for the deaf is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which are either directly related to its educational mission or are justified on the basis of their contributions to the cultural, social, or economic development of the state and its hearing impaired citizens. The school is not obligated to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 148-140-020 APPLICATION FOR USE OF SCHOOL FACILITIES. (1) Applications for use of school facilities should be made on the Facilities Request Form, available from the administrative office of the school, 611 Grand Boulevard, Vancouver, Washington 98661.

(2) Reasonable conditions may be imposed upon the applicant to regulate the timeliness of the request, to determine the appropriateness of intended use of the space assigned, and to ensure proper maintenance of the facilities. A detailed listing of such conditions is available from the school's administrative office.

(3) The school may restrict an individual's or a group's use of school facilities if that person or group has, in the past, physically abused school facilities. Charges may be imposed for damage or for any unusual costs related to the use of facilities.

NEW SECTION

WAC 148-140-030 ALLOCATION OF SPACE. Allocation of space shall be made in accordance with school regulations and on the basis of time, space, priority of request, and the demonstrated needs of the applicant. When allocating the use of school facilities, top priority will always be given to activities directly related to the school's mission. No arrangement shall be made that may interfere with, or operate to the detriment of, the school's own educational, research, residential, or public service programs.

NEW SECTION

WAC 148-140-040 BASIS OF FEE ASSESSMENT. (1) The school has established a three-tiered fee schedule for the use of school facilities. The schedule reflects the school's cost of operation and its evaluation of the intended purpose of the use. Groups closely affiliated with the school's mission, such as other state agencies or groups specifically promoting the education of the visually impaired, may be allowed access to school facilities free of charge. However, a small rental fee may be imposed if special operating costs are necessarily incurred. Other community groups will be charged according to the schedule. A current copy of the fee schedule is available from the school's administrative office.

(2) The school neither intends nor desires to compete with private enterprise in making its facilities available to the public. The school encourages the community to patronize local businesses whose privately operated facilities are well qualified to meet community needs.

NEW SECTION

WAC 148-140-050 GENERAL POLICIES LIMITING USE.

(1) School facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the facilities as a permanent meeting place. Use shall be intermittent only.

(3) The school reserves the right to prohibit the use of school facilities by groups which restrict membership or participation in a manner inconsistent with the school's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These general policies shall apply to recognized student groups using school facilities.

NEW SECTION

WAC 148-140-060 SPECIFIC LIMITATIONS ON USE. (1) The permissible use of facilities is limited to the purpose stated in the application and approved by the superintendent.

(2) Only that portion of the building listed and approved on the application shall be available for use by the organization.

(3) The facility shall be vacated by the time listed on the facility usage form.

(4) The user group shall abide by these and all other limitations established by the superintendent and set forth in the superintendent's policy on use of school facilities. A copy of such policy is available at the administrative office of the school.

NEW SECTION

WAC 148-140-070 SUPERVISION. (1) Adult supervisors of student organizations using school facilities shall remain with their groups during usage, and shall ensure compliance with school regulations governing the use of facilities.

(2) A designated school employee or representative will be on site during usage, and will be compensated by the using organization when the event occurs outside of normal scheduled coverage.

NEW SECTION

WAC 148-140-080 PROHIBITED CONDUCT AT SCHOOL FACILITIES. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at school functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on school property or at school functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs, or narcotics while in school facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted in accordance with published policy.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) No person or group may use or enter onto school facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

WSR 90-10-114
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed May 2, 1990, 4:19 p.m.]

Original Notice.

Title of Rule: Chapter 148-171 WAC, Special education programs.

Purpose: To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and is in compliance with the Education for All Handicapped Children Act, Public Law 94-142, 20 U.S.C. §§ 1401, 1412-1417.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022, 72.40.024 and 20 U.S.C. §§ 1401, 1412-1417.

Summary: This chapter sets forth the standards and procedures to ensure that all handicapped students shall have the opportunity for an appropriate education at public expense, as available at the school.

Reasons Supporting Proposal: Required as a condition of receipt of federal funding.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

Rule is necessary because of federal law, 20 U.S.C. §§ 1401, 1412-1417.

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter sets forth standards and procedures prescribed by the Education for All Handicapped Children Act, Public Law 94-142, which will continue to be implemented at the school in a manner consistent with

chapter 28A.13 RCW and the school's educational mission.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 148-171 WAC
 SPECIAL EDUCATION PROGRAMS

NEW SECTION

WAC 148-171-001 PURPOSES. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.13 RCW and in compliance with the Education for All Handicapped Children Act, 20 U.S.C. Sec. 1401 et seq.;

(2) To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;

(3) To assure that the rights of handicapped children and their parents are protected; and

(4) To assess and assure the effectiveness of efforts to educate the handicapped students.

DEFINITIONS OF GENERAL APPLICATION

NEW SECTION

WAC 148-171-010 DEFINITIONS. As used in this chapter:

(1) "Adult student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 148-171-015 and to be in need of special education and related services: PROVIDED, That a student enrolled at the Washington state school for the deaf may continue past the age of twenty-one at the superintendent's discretion; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 148-171-015 in the judgment of the school superintendent or his or her designee, or the parent(s), or the adult student; or

(c) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(3) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 148-171-650, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

(4) "School" means Washington state school for the deaf.

(5) "Assessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine whether a student is deaf or hard of hearing and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

(c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 148-171-240;

(d) Assure appropriate identification of the handicapping condition; and

(e) Determine the student's eligibility for funding for special education and related services.

(6) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language/sign language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(7) "Reassessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 148-171-430.

(8) "Consent" means that:

(a) The parent (or adult student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or adult student) understands that the granting of consent is voluntary on the part of the parent (or adult student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the deaf.

NEW SECTION

WAC 148-171-015 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF AND HARD OF HEARING. (1) WAC 392-171-436 and 392-171-441 shall be applicable to all students provided for by this chapter.

(2) Assessments and evaluations conducted according to this section shall be performed by professionals qualified in the area of assessment who are specially trained and experienced in the area of deafness or deaf education.

ASSESSMENT AND PLACEMENT

NEW SECTION

WAC 148-171-100 INITIAL ASSESSMENT. (1) Prior to any action taken with respect to the initial placement of a student at the Washington state school for the deaf, a full and individual assessment of the student's educational needs shall be conducted.

(2) A student may be admitted for the purpose of assessment.

(3) The school shall fully assess the student and arrive at a decision pursuant to WAC 148-171-130 within (a) thirty school days after written consent for assessment has been provided by the parent(s) or adult student, or (b) such other time period as may be agreed to by the parent(s), adult student, and school.

(4) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the school shall obtain written permission for such diagnostic placement from the parent(s).

(5) The school shall request the parent(s) to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

NEW SECTION

WAC 148-171-110 GENERAL AREAS OF ASSESSMENT.

The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

NEW SECTION

WAC 148-171-120 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS, AND PROCEDURES.

Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one qualified teacher of the deaf and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules, and experienced in the area of deafness.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist experienced in deafness: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles

who have considerable training and experience in individual psychological or psychoeducational assessment and deafness.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the area of deafness, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.

NEW SECTION

WAC 148-171-130 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The multidisciplinary team shall review and analyze the summaries of assessment data provided for in WAC 148-171-120(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the placement decision pursuant to WAC 148-171-150 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the handicapping condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a student's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, learning modalities (e.g., visual), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by the multidisciplinary team.

(3) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

NEW SECTION

WAC 148-171-140 INDEPENDENT EDUCATIONAL ASSESSMENT. (1)(a) The parent(s) of a student (or an adult student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) The school shall provide to parent(s), on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent.

(2) A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or adult student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or adult student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or a hearing pursuant to WAC 148-171-600 et seq., to show that its assessment is appropriate: PROVIDED, That the school shall provide the parent(s) (or adult student) written notice of the election to initiate mediation or a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) written notice of disagreement;

(c) If the final decision is that the school assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate a hearing or is not upheld by the final decision, the independent assessment requested by the parent (or adult student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.

NEW SECTION

WAC 148-171-150 ADMISSION AND PLACEMENT. In accordance with the least restrictive environment mandate of Public Law 94-14: A student may be admitted and enrolled at the Washington state school for the deaf when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the deaf;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the deaf;

(3) Assessment pursuant to the procedures in this chapter has been completed and is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 148-171-120(1), the parents and a representative of the school district of the student's residence meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 148-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s) and school district's commitment to work in cooperation to meet the student's needs; and

(5) The multidisciplinary team described in WAC 148-171-120(1) recommends placement at the Washington state school for the deaf.

INDIVIDUALIZED EDUCATION PROGRAMS

NEW SECTION

WAC 148-171-200 **DEFINITION.** As used in this chapter, the term "individualized education program" (IEP) means a written statement for a handicapped student that is developed and implemented in accordance with 20 U.S.C. Sec. 1401(19).

NEW SECTION

WAC 148-171-210 **MEETINGS.** (1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.

NEW SECTION

WAC 148-171-220 **PARTICIPANTS IN IEP MEETINGS.** (1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 148-171-230;

(d) The student, if appropriate or the adult student; and

(e) Other individuals at the discretion of the school, parent(s), or adult student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.

NEW SECTION

WAC 148-171-230 **PARENT PARTICIPATION.** (1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s) and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent(s) a copy of the IEP upon request.

NEW SECTION

WAC 148-171-240 **CONTENT OF THE IEP.** The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: **PROVIDED,** That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objectives criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—REASSESSMENT

NEW SECTION

WAC 148-171-400 **ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—PROGRAM EVALUATION.** (1) The placement of each student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 148-171-210.

(2) Evaluation of the program for each student shall be based upon his or her progress toward the accomplishment of the goals and objectives set forth in the student's IEP. Specific methods of evaluating and demonstrating program results shall be determined in accordance with the school's policies and procedures and the student's IEP.

(3) The program's performance measurement shall be recorded and reported at all stages of implementation, and the results of the evaluation shall be reported to parent(s) (or the adult student).

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and anticipated achievement.

(5) The school shall continually develop alternatives to improve methods and results that are based upon the evaluation of a student's achievement.

NEW SECTION

WAC 148-171-410 **REASSESSMENT.** (1) Each student shall be reassessed in accordance with the procedures specified in WAC 148-171-110 through 148-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an adult student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 148-171-015. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

NEW SECTION

WAC 148-171-420 REASSESSMENT PURPOSES. The purposes of reassessment are to determine:

(1) Whether the student is appropriately classified as deaf or hard of hearing;

(2) Whether the program designed for the student is appropriate to meet his or her unique needs, abilities, and limitations; and

(3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

NEW SECTION

WAC 148-171-430 REASSESSMENT NOTICE. (1) The school shall provide written notice to parent(s) (or an adult student) ten calendar days prior to conducting reassessment. Such notice shall include:

(a) Procedural safeguard requirements provided in WAC 148-171-510;

(b) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request, the notice shall include the source of and reasons for such request;

(c) A statement that the student's records will be reviewed as a part of the reassessment and that the parent(s) (or adult student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(d) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures; and

(e) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 148-171-120.

(2) Following completion of the reassessment, the superintendent or his or her designee shall record the determinations set forth in WAC 148-171-420. In accordance with WAC 148-171-510, the parent(s) (or the adult student) shall be notified of the school's decision within ten calendar days following completion of reassessment. If the program is found to be inappropriate, an individualized education program meeting shall be convened in accordance with WAC 148-171-200 through 148-171-240 and the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

NOTICE REQUIREMENTS

NEW SECTION

WAC 148-171-500 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC 148-171-510 shall be given to the parent(s) (or the adult student) a reasonable time before the school:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

NEW SECTION

WAC 148-171-510 CONTENTS OF THE NOTICE. (1) The notice required by WAC 148-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or adult student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

HEARINGS

NEW SECTION

WAC 148-171-600 RIGHT TO INITIATE. (1) A parent, adult student, or the superintendent (or his or her designee) may initiate a hearing on any of the matters described in WAC 148-171-500 (1) and (2). The hearing is an adjudicative proceeding governed by Public Law 94-142 and the Administrative Procedure Act, chapter 34.05 RCW. The hearing shall be conducted by an administrative law judge with the office of administrative hearings according to WAC 392-101-010.

(2) A request by parents or an adult student for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the superintendent of the Washington state school for the deaf with copies of the request mailed or provided directly to the following, at the time the request is made:

(i) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504;

(ii) Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101; and

(iii) Superintendent of the school district of the student's residence;

(c) Explain the complaint of the parent(s) or adult student in specific terms.

(3) A request by the school for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the Office of Administrative Hearings, Room 606, Securities Building, 1904 Third Avenue, Seattle, Washington 98101, with copies of the request and attachments mailed or provided directly to the following, at the time the request is made:

(i) The student's parent(s) or the adult student;

(ii) Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and

(iii) The superintendent of the school district of the student's residence;

(c) Have attached to such request (and all copies) a copy of the notice to parent(s) or adult student required by WAC 148-171-500. If the hearing request is in response to a request for an independent educational assessment pursuant to WAC 148-171-140, the school's request for hearing shall also have attached a copy of the written notice to the superintendent required by WAC 148-171-140(2).

(4) A notice of hearing requested by a student's parent(s) (or adult student) or by the school pursuant to this section shall be served by the office of administrative hearings as set forth in WAC 10-08-040. In addition to the information specified in RCW 34.05.434 the notice shall include:

(a) The issue(s) to be addressed at the hearing to the extent the issue(s) has/have been identified at the time of the notice;

(b) The rights, procedures, and other matters set forth in WAC 148-171-610 through 148-171-640; and

(c) The right of the parent(s) or adult student to seek an independent assessment at public expense pursuant to WAC 148-171-140.

(5) The hearing shall be conducted in accordance with the provisions of chapter 10-08 WAC unless modified by this chapter.

NEW SECTION

WAC 148-171-610 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 148-171-600 has the right to:

- (a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;
- (b) Be advised and/or represented by an attorney;
- (c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;
- (d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
- (e) Obtain a written or electronic verbatim record of the hearing at a cost no greater than actual fees for recording and transcription; and
- (f) Obtain written findings of fact, conclusions of law, and decisions (which shall be transmitted, after deleting any personally identifiable information, to the state advisory council on the education of handicapped children) as set forth in WAC 392-171-305.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

NEW SECTION

WAC 148-171-620 TIMELINE FOR DECISION. (1) A final decision in the hearing will be made not later than forty-five days after the date of receipt of a request for hearing: PROVIDED, That the presiding officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(2) A copy of the decision consisting of the findings of fact, conclusions of law, and decisions shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the presiding officer together with a certification of the date of mailing and the parties to whom it was mailed.

(3) In addition to the requirements set forth in RCW 34.05.461 and WAC 10-08-210, the decision of the presiding officer shall be drafted in a manner which avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

(5) A decision made in a hearing conducted under this chapter is final unless a petition for review is filed under WAC 148-171-630.

NEW SECTION

WAC 148-171-630 PETITION FOR REVIEW. (1) Any party aggrieved by the decision in the hearing may petition for review.

(2) The petition for review shall be filed with the office of administrative hearings within twenty days of the date of service of the decision. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the portions of the decision in the hearing to which exception is taken and shall refer to the evidence of the record which is relied upon to support the petition.

(4) Any party may file a reply to a petition for review. The reply shall be filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or representatives at the time the reply is filed.

(5) In addition to the requirements set forth in RCW 34.05.464, the reviewing officer shall:

- (a) Ensure that the procedures at the hearing were consistent with the requirements of due process;
- (b) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in WAC 148-171-610 apply; and
- (c) Make an independent decision within thirty days after the receipt of the petition for review, including all matters required by WAC 148-171-620 (2) and (3).

(6) The decision made by the reviewing officer is final unless modified or overturned by a court of law.

NEW SECTION

WAC 148-171-640 STUDENT'S STATUS DURING PROCEEDINGS. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 148-171-600, unless the school and the parent(s) of the student (or the

adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s), or the adult student, shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

NEW SECTION

WAC 148-171-650 SURROGATE PARENTS. (1) The school shall ensure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 148-171-010(3)) can be identified;

(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

WSR 90-10-115**PROPOSED RULES****WASHINGTON STATE
SCHOOL FOR THE DEAF**

[Filed May 2, 1990, 4:20 p.m.]

Original Notice.

Title of Rule: Chapter 148-276 WAC, Public records.

Purpose: To provide information and instruction on how to access and inspect public records at the school.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 42.17.250 - [42.17].340.

Summary: The rules provide information and instruction on how to request, inspect and obtain copies of public records at the school.

Reasons Supporting Proposal: RCW 42.17.250 to 42.17.340 require that procedures be established for access to public records.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules provide information and instruction to the public on how to access, inspect and obtain copies of public records at the school, consistent with RCW 42.17.250 - [42.17].340.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-36 [S-26], Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 148-276 WAC
PUBLIC RECORDS

NEW SECTION

WAC 148-276-010 PURPOSE. The purpose of this chapter is to ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 148-276-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: PROVIDED, HOWEVER, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) Washington state school for the deaf. "Washington state school for the deaf" is an agency organized by statute pursuant to RCW 72.40.010. Washington state school for the deaf shall hereafter be referred to as the "school." Where appropriate, the term "school" also refers to staff and employees of the school.

NEW SECTION

WAC 148-276-030 DESCRIPTION OF CENTRAL ORGANIZATION OF WASHINGTON STATE SCHOOL FOR THE DEAF. (1) Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010. The administrative office of the school is located in Vancouver, Washington. The Vancouver campus comprises the central headquarters for all operations of the school.

(2) The school operates under the supervision and control of the superintendent of the state school for the deaf, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the state's congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.42 RCW.

(4) Elementary and high school education is under the direction of a principal or separate principals as student population increases and educational needs demand. Academic support services, including but not limited to outreach, nursing, and audiology are under the supervision of the director of academic support services. The director of media manages the learning resource center. Residential services are under the direction of the director of student life. Consolidated services, serving both the Washington state school for the blind and the Washington state school for the deaf, are administered by personnel located at the school for the deaf. Consolidated services include: The commissary, business, and personnel offices, the maintenance department, and custodial and food services.

NEW SECTION

WAC 148-276-040 OPERATIONS AND PROCEDURES. Formal decision-making procedures are established by the superintendent through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA).

NEW SECTION

WAC 148-276-050 PUBLIC RECORDS AVAILABLE. All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 148-276-060 PUBLIC RECORDS OFFICER. The school's public records shall be in the charge of the public records officer designated by the superintendent of the school. The person so designated shall be located in the school administrative office. The public records officer shall be responsible for the following: Implementation of the school's rules and regulations regarding release of public records, coordinating the school employees in this regard, and generally ensuring compliance by school employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 148-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the school. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar.

NEW SECTION

WAC 148-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the school which shall be available at the school administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the school staff at the school administrative office during customary hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to

whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

NEW SECTION

WAC 148-276-090 COPYING. No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 148-276-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 148-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 148-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 148-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made at the administrative office of the school in Vancouver, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 148-276-090.

NEW SECTION

WAC 148-276-130 RECORDS INDEX. (1) The school has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the school after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the school shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 148-276-140 ADOPTION OF FORM. The school hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO WASHINGTON STATE SCHOOL FOR THE DEAF

(a) Name (please print) _____ Signature _____

Name or Organization, if applicable _____

Mailing Address of Applicant _____ Phone Number _____

(b) Date Request Made _____ Time of Day Request Made _____

(c) Nature of Request _____

(d) Identification Reference on Current Index (Please Describe) _____

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Washington State School for the Deaf _____

Request: APPROVED _____ DENIED _____ Date _____

By _____ Name _____ Title _____

Reasons for Denial: _____

Referred to _____ Date _____

By _____ Name _____ Title _____

WSR 90-10-116
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed May 2, 1990, 4:21 p.m.]

Original Notice.

Title of Rule: Chapter 148-280 WAC, Family Educational Rights and Privacy Act of 1974.

Purpose: To insure compliance with the Family Educational Rights and Privacy Act and the Education of the Handicapped Act by establishing guidelines for the responsible handling of student education records.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. 1232(g), 1412(2)(D), 1414 (a)(1)(B) and 1417(c).

Summary: Regulations governing confidentiality of student records and right to privacy as well as access to those records.

Reasons Supporting Proposal: Required as a condition of receipt of federal funding.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

Rule is necessary because of federal law, 20 U.S.C. 1232(g), 1412 (2)(D), 1414 (a)(1)(B) and 1417(c).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will provide public notice that the Washington State School for the Deaf intends to comply with the requirements of the Family Educational Rights and Privacy Act and the Education of the Handicapped Act.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990
 Bonnie Y. Terada
 Assistant Attorney General

Chapter 148-280 WAC
 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
 1974

NEW SECTION

WAC 148-280-010 CONFIDENTIALITY OF STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232(g), and the Education of the Handicapped Act, 20 U.S.C. Secs. 1400 through 1420, this policy has been created:

(1) To ensure that information contained in student education records is treated in a responsible manner with due regard for the personal nature of such information;

(2) To ensure the accuracy of information contained in student education records by providing parents (or eligible students) with the opportunity to inspect the records; and

(3) To ensure the continued confidentiality of such records by establishing procedures governing the release of information contained therein.

NEW SECTION

WAC 148-280-011 DEFINITIONS. As used in this chapter:

(1) "Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(3) "Education records" means those records, files, documents, and other materials that are:

- (a) Maintained by the school; and
- (b) Directly related to a student.

The term "education records" does not include:

(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(ii) Records of the school security department that are kept apart from education records, maintained solely for law enforcement purposes, and are not available to persons other than law enforcement officials of the same jurisdiction;

(iii) In the case of persons who are employed by but do not attend the school, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school who is employed as a result of his or her status as a student;

(iv) Records on a student who is eighteen years of age or older that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and that are created, maintained, or used only in connection with the treatment of the student; and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice; and

(v) Records that contain only information relating to an individual after he or she is no longer a student at the school.

(4) "Eligible student" means a student who has reached eighteen years of age. When a student becomes an "eligible student," the rights accorded to, and the consent required of, parents under this chapter transfer from the parents to the student.

(5) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(6) "Party" means an individual, agency, institution, or organization.

(7) "Personally identifiable information" includes, but is not limited to the student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or student number; a list of personal characteristics that would make the student's identity easily traceable; or other information that would make the student's identity easily traceable.

(8) "Student" means any individual who is or has been in attendance at the school and regarding whom the school maintains education records.

NEW SECTION

WAC 148-280-015 NOTICE. The school shall provide parents of students (or eligible students) currently in attendance with annual notice of their rights under this chapter. The notice shall inform parents (or eligible students) of their right to:

- (1) Inspect and review the student's education records;
- (2) Request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- (3) Consent to disclosure of personally identifiable information contained in the student's education records;
- (4) Obtain a copy of the school's policy on access to and disclosure of education records; and
- (5) File with the United States Department of Education a complaint concerning alleged failures to comply with the requirements of the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 148-280-020 EDUCATION RECORDS—PARENTS' (OR ELIGIBLE STUDENTS') RIGHT TO INSPECT. (1) A parent, eligible student, or representative of the parent has the right to inspect and review the education records of the student.

(2) Where the education record or data includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) The parent (or eligible student) has the right to obtain copies of the student's education records. Charges for the copies shall not exceed the cost normally charged by the school. However, if the fee effectively prevents the parent (or eligible student) from exercising the right to inspect and review the student's education records, the school may provide such copies free of charge.

(4) The school may presume that a parent has authority to inspect and review records relating to his/her child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

NEW SECTION

WAC 148-280-025 EDUCATION RECORDS—ACCESS PROCEDURES. (1) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent at the superintendent's office.

(2) A request by a parent (or eligible student) for review of information should be made in writing to the individual or office having custody of the record.

(3) The custodian of the record shall respond to reasonable requests for inspection, explanation, and interpretation of education records within forty-five days from the date the request was received and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student. If the records custodian is unable to comply with a request within the above stated period, he or she shall inform the parent (or eligible student) of that fact and the reasons in writing.

NEW SECTION

WAC 148-280-030 EDUCATION RECORDS—AMENDMENT. (1)(a) A parent (or eligible student) who believes that information contained in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, may request the school to amend the information.

(b) The right to challenge, under this chapter, shall not be used to contest grades which are correctly recorded.

(2) The school shall decide whether to amend the record as requested within a reasonable time after receipt of the request.

(3) If the school decides not to amend the record as requested, it shall inform the parent (or eligible student) of the decision and of the right to a brief adjudicative proceeding under WAC 148-108-100.

(4) The school shall, on request, provide an opportunity for a brief adjudicative proceeding to challenge information in the education record on the grounds provided for in subsection (1) of this section.

(5) For the purpose of this chapter:

(a) The decision of the brief adjudicative proceeding must be based solely on the evidence presented at the brief adjudicative proceeding

and must include a summary of the evidence and the reasons for the decision.

(b) The parent (or eligible student) may, at their own expense, be assisted or represented by one or more individuals of his or her choice, including an attorney. Where the parent (or eligible student) is represented by an attorney, the school may be represented by an assistant attorney general.

(6) If, as a result of the brief adjudicative proceeding, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or eligible student) in writing.

(7) If, as a result of the brief adjudicative proceeding, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent (or eligible student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school, (or both).

(8) Any explanation placed in the records of the student under this section must:

(a) Be maintained by the school as part of the records of the student as long as the record or contested portion is maintained by the school; and

(b) Be included with any disclosure of the record or contested portion to which the explanation relates.

NEW SECTION

WAC 148-280-040 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS.

(1) The school shall not permit access to or the release of education records or personally identifiable information contained there (other than "directory information") without the written consent of the parent (or eligible student) to any party other than the following:

(a) School officials, including teachers, when the information is required for a legitimate educational interest within the performance of their responsibilities to the school, with the understanding that its use will be strictly limited to the performance of those responsibilities;

(b) Officials of another school, school system, or institution of post-secondary education who have requested the records and in which the student seeks or intends to enroll, upon condition that:

(i) The parent (or eligible student) be notified of the transfer (unless the disclosure is initiated by the parent or eligible student);

(ii) The parent (or eligible student), upon request, receive a copy of the record that was disclosed; and

(iii) The parent (or eligible student), upon request, receive an opportunity for a brief adjudicative proceeding to challenge the content of the record;

(c) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state-supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements;

(d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction: PROVIDED, That the study is conducted in such a manner that does not permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity designated by judicial order or lawfully-issued subpoena: PROVIDED, That the school makes a reasonable effort to notify the parent (or eligible student) of the order or subpoena in advance of compliance. Any school employee receiving a subpoena or judicial order for education records should immediately notify the attorney general;

(g) Those individuals or agencies to which a release of information without consent is permitted by the rules that implement the Family

Educational Rights and Privacy Act of 1974, 34 C.F.R. Secs. 99.31 through 99.37.

(2) Where the consent of a parent (or eligible student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

(3) When a disclosure is made under subsection (2) of this section, if a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.

(4) Personally identifiable education records released to third parties, with or without parent (or eligible student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or eligible student).

(5) Unless otherwise prohibited by law, information from education records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 148-280-050 SAFEGUARDS. (1) The school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(2) A school official shall insure the confidentiality of any personally identifiable information.

(3) The school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information.

NEW SECTION

WAC 148-280-055 RECORD OF ACCESS. (1) The school shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The school shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

- (a) The name of the party;
- (b) The date access was given; and
- (c) The legitimate interest or purpose for which the party is authorized to use the records.

(4) If the party receiving personally identifiable information makes further disclosures of the information on behalf of the school, the record must include:

- (a) The names of additional parties to which the receiving party may disclose the information; and
- (b) The legitimate interests under WAC 148-280-040 which each of the additional parties has in requesting or obtaining the information.

(5) Subsection (1) of this section does not apply if the request was from, or the disclosure was to:

- (a) The parent or eligible student;
- (b) A school official under WAC 148-280-040 (1)(a);
- (c) A party with written consent from the parent or eligible student;

or

- (d) A party seeking directory information.

NEW SECTION

WAC 148-280-060 DESTRUCTION OF INFORMATION. (1) Student education records may be destroyed in accordance with state laws and regulations: PROVIDED, That the school shall not destroy any education records if there is an outstanding request to inspect and review the records under this chapter.

(2)(a) The school shall inform parents (or eligible students) when personally identifiable information is no longer needed to provide educational services to the student.

(b) At the request of a parent (or eligible student), the school shall destroy personally identifiable information. However, the school may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year of completion without time limitation.

(3) For the purpose of this section, "destruction" shall mean physical destruction or removal of personal identifiers.

NEW SECTION

WAC 148-280-070 DIRECTORY INFORMATION. (1) The school shall provide public notice to parents of students in attendance and eligible students in attendance at the school of:

(a) The types of personally identifiable information that the school has designated as directory information;

(b) A parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(2) The school shall not disclose directory information pertaining to a student in attendance at the school without prior written consent from the parents of such student or such eligible student.

WSR 90-10-117

PROPOSED RULES

WASHINGTON STATE SCHOOL FOR THE DEAF

[Filed May 2, 1990, 4:22 p.m.]

Original Notice.

Title of Rule: Chapter 148-325 WAC, State Environmental Policy Act rules.

Purpose: To implement the State Environmental Policy Act, chapter 43.21C RCW.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 43.21C.030.

Summary: The rule sets forth the school's intent to comply with the State Environmental Policy Act.

Reasons Supporting Proposal: The State Environmental Policy Act, chapter 43.21C RCW, requires the agency to promulgate such rules.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th, #110, Vancouver, 98661, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal does not change existing rules.

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

Hearing Location: Washington State School for the Deaf, Administration Building, Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on June 13, 1990, at 10:00 a.m.

Submit Written Comments to: Larry Drotz, Rules Coordinator, 611 Grand Boulevard, S-26, Vancouver, WA 98661, by June 8, 1990.

Date of Intended Adoption: June 13, 1990.

April 30, 1990

Bonnie Y. Terada

Assistant Attorney General

Chapter 148-325 WAC
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 148-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Washington state school for the deaf that all actions taken by the school shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy Act) and chapter 197-11 WAC as presently enacted or hereafter amended.

(2) The superintendent, or his or her designee, shall be responsible for administering and implementing this policy.

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.

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16-228-705	NEW-W	90-07-042	16-317-060	AMD	90-04-003	16-403-142	AMD-P	90-05-067
16-228-710	NEW-C	90-06-012	16-317-090	REP	90-04-003	16-403-142	AMD	90-09-032
16-228-710	NEW-W	90-07-042	16-318-040	AMD	90-03-026	16-403-155	AMD-W	90-03-036
16-228-715	NEW-C	90-06-012	16-318-065	NEW	90-03-026	16-403-155	AMD-P	90-05-066
16-228-715	NEW-W	90-07-042	16-318-200	NEW	90-03-026	16-403-155	AMD-P	90-10-086
16-228-720	NEW-C	90-06-012	16-318-205	NEW	90-03-026	16-403-190	AMD-E	90-03-035
16-228-720	NEW-W	90-07-042	16-318-210	NEW	90-03-026	16-403-190	AMD-W	90-03-036
16-230	AMD-C	90-08-062	16-318-215	NEW	90-03-026	16-403-190	AMD-P	90-05-066
16-230-615	AMD-E	90-08-017	16-318-220	NEW	90-03-026	16-403-190	AMD-P	90-05-067
16-230-805	REP-P	90-04-109	16-318-225	NEW	90-03-026	16-403-190	AMD	90-09-032
16-230-805	REP-E	90-09-011	16-318-230	NEW	90-03-026	16-403-220	AMD-W	90-03-036
16-230-825	AMD-E	90-09-011	16-318-235	NEW	90-03-026	16-403-220	AMD-P	90-05-066
16-230-835	AMD-P	90-04-109	16-318-240	NEW	90-03-026	16-403-280	AMD-W	90-03-036
16-230-835	AMD-E	90-09-011	16-318-300	NEW	90-03-026	16-403-280	AMD-P	90-05-066
16-230-839	NEW-P	90-04-109	16-318-305	NEW	90-03-026	16-462-060	NEW-P	90-06-050
16-230-840	REP-P	90-04-109	16-318-310	NEW	90-03-026	16-462-060	NEW	90-10-043
16-230-845	AMD-P	90-04-109	16-318-315	NEW	90-03-026	16-488-025	AMD-P	90-09-056
16-230-845	AMD-E	90-09-011	16-318-320	NEW	90-03-026	16-494-001	AMD-P	90-03-090
16-230-850	REP-P	90-04-109	16-318-325	NEW	90-03-026	16-494-001	AMD-W	90-06-105
16-230-850	AMD-E	90-09-011	16-318-330	NEW	90-03-026	16-494-010	AMD-P	90-03-090

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-494-010	AMD-W	90-06-105	51-12-601	AMD	90-02-110	72-276-040	NEW-P	90-10-107
16-516-040	AMD	90-09-068	51-12-602	AMD-P	90-05-064	72-276-050	NEW-P	90-10-107
16-555-010	AMD-P	90-05-059	51-12-608	AMD	90-02-110	72-276-060	NEW-P	90-10-107
16-555-040	AMD-P	90-05-059	51-16-030	AMD	90-02-110	72-276-070	NEW-P	90-10-107
16-557-010	NEW-W	90-05-068	51-16-050	AMD	90-02-110	72-276-080	NEW-P	90-10-107
16-557-020	NEW-W	90-05-068	51-16-080	AMD-P	90-07-083	72-276-090	NEW-P	90-10-107
16-557-030	NEW-W	90-05-068	51-16-090	REP-P	90-07-083	72-276-100	NEW-P	90-10-107
16-557-040	NEW-W	90-05-068	51-18-010	NEW	90-02-110	72-276-110	NEW-P	90-10-107
16-557-041	NEW-W	90-05-068	51-18-020	NEW	90-02-110	72-276-120	NEW-P	90-10-107
16-557-050	NEW-W	90-05-068	51-18-030	NEW	90-02-110	72-276-130	NEW-P	90-10-107
16-557-060	NEW-W	90-05-068	51-18-040	NEW	90-02-110	72-276-140	NEW-P	90-10-107
16-557-070	NEW-W	90-05-068	51-18-050	NEW	90-02-110	72-280-010	NEW-P	90-10-108
16-557-080	NEW-W	90-05-068	72-100-001	NEW-P	90-10-101	72-280-011	NEW-P	90-10-108
16-570-040	AMD-P	90-03-071	72-108-010	NEW-P	90-10-102	72-280-015	NEW-P	90-10-108
16-570-040	AMD	90-07-013	72-108-020	NEW-P	90-10-102	72-280-020	NEW-P	90-10-108
16-622-001	NEW	90-08-069	72-108-030	NEW-P	90-10-102	72-280-025	NEW-P	90-10-108
16-622-005	NEW	90-08-069	72-108-040	NEW-P	90-10-102	72-280-030	NEW-P	90-10-108
16-622-010	NEW	90-08-069	72-108-060	NEW-P	90-10-102	72-280-040	NEW-P	90-10-108
16-622-015	NEW	90-08-069	72-108-070	NEW-P	90-10-102	72-280-050	NEW-P	90-10-108
16-622-020	NEW	90-08-069	72-108-080	NEW-P	90-10-102	72-280-055	NEW-P	90-10-108
16-622-025	NEW	90-08-069	72-108-090	NEW-P	90-10-102	72-280-060	NEW-P	90-10-108
16-622-030	NEW	90-08-069	72-108-100	NEW-P	90-10-102	72-280-070	NEW-P	90-10-108
16-622-035	NEW	90-08-069	72-120-010	NEW-P	90-10-103	72-325-010	NEW-P	90-10-109
16-622-040	NEW	90-08-069	72-120-015	NEW-P	90-10-103	113-12-104	NEW-P	90-09-077
16-622-045	NEW	90-08-069	72-120-100	NEW-P	90-10-103	113-12-130	REP-P	90-04-029
16-622-050	NEW	90-08-069	72-120-200	NEW-P	90-10-103	113-12-130	REP	90-08-035
16-622-055	NEW	90-08-069	72-120-205	NEW-P	90-10-103	113-12-160	REP-P	90-04-029
16-622-900	NEW	90-08-069	72-120-210	NEW-P	90-10-103	113-12-160	REP	90-08-035
50-12-040	REP-P	90-09-090	72-120-220	NEW-P	90-10-103	113-12-161	REP-P	90-04-029
50-12-045	NEW-P	90-09-090	72-120-225	NEW-P	90-10-103	113-12-161	REP	90-08-035
50-12-310	NEW	90-10-074	72-120-230	NEW-P	90-10-103	113-12-200	AMD-P	90-04-029
50-12-320	NEW	90-10-074	72-120-234	NEW-P	90-10-103	113-12-200	AMD-C	90-08-036
50-12-330	NEW	90-10-074	72-120-236	NEW-P	90-10-103	114-12-136	AMD	90-04-094
50-12-340	NEW	90-10-074	72-130-010	NEW-P	90-10-104	131-16-055	NEW-E	90-04-066
50-12-350	NEW	90-10-074	72-130-020	NEW-P	90-10-104	131-16-500	NEW-E	90-09-069
50-12-360	NEW	90-10-074	72-130-030	NEW-P	90-10-104	132D-108-010	NEW	90-05-045
50-12-370	NEW	90-10-074	72-130-035	NEW-P	90-10-104	132D-108-020	NEW	90-05-045
50-36-090	AMD-P	90-03-105	72-130-040	NEW-P	90-10-104	132D-108-030	NEW	90-05-045
50-36-090	AMD	90-07-011	72-130-050	NEW-P	90-10-104	132D-108-040	NEW	90-05-045
50-44-010	AMD-P	90-09-091	72-140-010	NEW-P	90-10-105	132D-108-050	NEW	90-05-045
50-44-020	AMD-P	90-09-091	72-140-020	NEW-P	90-10-105	132D-108-060	NEW	90-05-045
50-44-030	AMD-P	90-09-091	72-140-030	NEW-P	90-10-105	132D-108-070	NEW	90-05-045
50-44-050	NEW-P	90-09-091	72-140-040	NEW-P	90-10-105	132D-108-080	NEW	90-05-045
51-04-010	AMD	90-02-108	72-140-050	NEW-P	90-10-105	132D-108-090	NEW	90-05-045
51-04-015	NEW	90-02-108	72-140-060	NEW-P	90-10-105	132D-130-010	NEW	90-05-045
51-04-018	NEW	90-02-108	72-140-070	NEW-P	90-10-105	132D-130-020	NEW	90-05-045
51-04-020	AMD	90-02-108	72-140-080	NEW-P	90-10-105	132D-130-030	NEW	90-05-045
51-04-025	NEW	90-02-108	72-171-001	NEW-P	90-10-106	132D-130-035	NEW	90-05-045
51-04-030	NEW	90-02-108	72-171-010	NEW-P	90-10-106	132D-130-040	NEW	90-05-045
51-04-035	NEW	90-02-108	72-171-015	NEW-P	90-10-106	132D-130-045	NEW	90-05-045
51-04-037	NEW	90-02-108	72-171-016	NEW-P	90-10-106	132D-130-050	NEW	90-05-045
51-04-040	NEW	90-02-108	72-171-100	NEW-P	90-10-106	132D-130-055	NEW	90-05-045
51-04-050	NEW	90-02-108	72-171-110	NEW-P	90-10-106	132D-130-060	NEW	90-05-045
51-04-060	NEW	90-02-108	72-171-120	NEW-P	90-10-106	132D-130-070	NEW	90-05-045
51-04-070	NEW	90-02-108	72-171-130	NEW-P	90-10-106	132D-130-075	NEW	90-05-045
51-06-010	AMD	90-02-108	72-171-140	NEW-P	90-10-106	132D-130-080	NEW	90-05-045
51-06-020	AMD	90-02-108	72-171-150	NEW-P	90-10-106	132D-130-085	NEW	90-05-045
51-06-030	REP	90-02-108	72-171-200	NEW-P	90-10-106	132D-130-090	NEW	90-05-045
51-06-040	REP	90-02-108	72-171-210	NEW-P	90-10-106	132D-130-095	NEW	90-05-045
51-06-050	REP	90-02-108	72-171-220	NEW-P	90-10-106	132D-130-100	NEW	90-05-045
51-06-060	REP	90-02-108	72-171-230	NEW-P	90-10-106	132D-133-020	NEW	90-05-045
51-06-070	AMD	90-02-108	72-171-240	NEW-P	90-10-106	132D-400-010	NEW	90-05-045
51-06-080	REP	90-02-108	72-171-400	NEW-P	90-10-106	132D-400-020	NEW	90-05-045
51-06-090	REP	90-02-108	72-171-410	NEW-P	90-10-106	132D-400-030	NEW	90-05-045
51-06-100	REP	90-02-108	72-171-420	NEW-P	90-10-106	132D-400-040	NEW	90-05-045
51-06-110	REP	90-02-108	72-171-430	NEW-P	90-10-106	132E-108-010	NEW-P	90-03-012
51-06-120	AMD	90-02-108	72-171-500	NEW-P	90-10-106	132E-108-010	NEW	90-09-006
51-08-010	AMD	90-02-108	72-171-510	NEW-P	90-10-106	132E-108-020	NEW-P	90-03-012
51-10	AMD	90-02-110	72-171-600	NEW-P	90-10-106	132E-108-020	NEW	90-09-006
51-12-201	AMD-P	90-05-064	72-171-610	NEW-P	90-10-106	132E-108-030	NEW-P	90-03-012
51-12-202	AMD-P	90-05-064	72-171-620	NEW-P	90-10-106	132E-108-030	NEW	90-09-006
51-12-204	AMD-P	90-05-064	72-171-630	NEW-P	90-10-106	132E-108-040	NEW-P	90-03-012
51-12-220	AMD	90-02-110	72-171-640	NEW-P	90-10-106	132E-108-040	NEW	90-09-006
51-12-403	AMD	90-02-110	72-171-650	NEW-P	90-10-106	132E-108-050	NEW-P	90-03-012
51-12-404	AMD	90-02-110	72-276-010	NEW-P	90-10-107	132E-108-050	NEW	90-09-006
51-12-411	AMD-P	90-05-064	72-276-020	NEW-P	90-10-107	132E-108-060	NEW-P	90-03-012
51-12-426	AMD	90-02-110	72-276-030	NEW-P	90-10-107	132E-108-060	NEW	90-09-006

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132E-108-070	NEW-P	90-03-012	132H-108-180	REP-P	90-03-077	132H-400-005	NEW	90-09-067
132E-108-070	NEW	90-09-006	132H-108-180	REP-E	90-03-079	132H-400-010	NEW-P	90-03-078
132E-108-080	NEW-P	90-03-012	132H-108-180	REP	90-09-066	132H-400-010	NEW-E	90-03-081
132E-108-080	NEW	90-09-006	132H-108-190	REP-P	90-03-077	132H-400-010	NEW	90-09-067
132E-133-020	NEW-P	90-03-019	132H-108-190	REP-E	90-03-079	132H-400-020	NEW-P	90-03-078
132E-133-020	NEW	90-09-049	132H-108-190	REP	90-09-066	132H-400-020	NEW-E	90-03-081
132E-400-010	NEW-P	90-03-021	132H-108-200	REP-P	90-03-077	132H-400-020	NEW	90-09-067
132E-400-010	NEW	90-09-005	132H-108-200	REP-E	90-03-079	132H-400-030	NEW-P	90-03-078
132E-400-020	NEW-P	90-03-021	132H-108-200	REP	90-09-066	132H-400-030	NEW-E	90-03-081
132E-400-020	NEW	90-09-005	132H-108-210	REP-P	90-03-077	132H-400-030	NEW	90-09-067
132E-400-030	NEW-P	90-03-021	132H-108-210	REP-E	90-03-079	132H-400-040	NEW-P	90-03-078
132E-400-030	NEW	90-09-005	132H-108-210	REP	90-09-066	132H-400-040	NEW-E	90-03-081
132E-400-040	NEW-P	90-03-021	132H-108-220	REP-P	90-03-077	132H-400-040	NEW	90-09-067
132E-400-040	NEW	90-09-005	132H-108-220	REP-E	90-03-079	132L-20-090	REP	90-05-004
132G-108-010	NEW-P	90-10-049	132H-108-220	REP	90-09-066	132L-108-010	NEW-E	90-03-074
132G-108-020	NEW-P	90-10-049	132H-108-230	REP-P	90-03-077	132L-108-010	NEW	90-05-005
132G-108-030	NEW-P	90-10-049	132H-108-230	REP-E	90-03-079	132L-108-020	NEW-E	90-03-074
132G-108-040	NEW-P	90-10-049	132H-108-230	REP	90-09-066	132L-108-020	NEW	90-05-005
132G-108-050	NEW-P	90-10-049	132H-108-240	REP-P	90-03-077	132L-108-030	NEW-E	90-03-074
132G-108-060	NEW-P	90-10-049	132H-108-240	REP-E	90-03-079	132L-108-030	NEW	90-05-005
132G-108-070	NEW-P	90-10-049	132H-108-240	REP	90-09-066	132L-108-040	NEW-E	90-03-074
132G-108-080	NEW-P	90-10-049	132H-108-250	REP-P	90-03-077	132L-108-040	NEW	90-05-005
132G-133-020	NEW-P	90-10-050	132H-108-250	REP-E	90-03-079	132L-108-050	NEW-E	90-03-074
132H-108-005	REP-P	90-03-077	132H-108-250	REP	90-09-066	132L-108-050	NEW	90-05-005
132H-108-005	REP-E	90-03-079	132H-108-260	REP-P	90-03-077	132L-108-060	NEW-E	90-03-074
132H-108-005	REP	90-09-066	132H-108-260	REP-E	90-03-079	132L-108-060	NEW	90-05-005
132H-108-010	REP-P	90-03-077	132H-108-260	REP	90-09-066	132L-108-070	NEW-E	90-03-074
132H-108-010	REP-E	90-03-079	132H-108-270	REP-P	90-03-077	132L-108-070	NEW	90-05-005
132H-108-010	REP	90-09-066	132H-108-270	REP-E	90-03-079	132L-108-080	NEW-E	90-03-074
132H-108-020	REP-P	90-03-077	132H-108-270	REP	90-09-066	132L-108-080	NEW	90-05-005
132H-108-020	REP-E	90-03-079	132H-108-280	REP-P	90-03-077	132L-133-020	NEW-E	90-03-074
132H-108-020	REP	90-09-066	132H-108-280	REP-E	90-03-079	132L-133-020	NEW	90-05-005
132H-108-030	REP-P	90-03-077	132H-108-280	REP	90-09-066	132L-280-010	NEW	90-05-004
132H-108-030	REP-E	90-03-079	132H-108-290	REP-P	90-03-077	132L-280-015	NEW	90-05-004
132H-108-030	REP	90-09-066	132H-108-290	REP-E	90-03-079	132L-280-020	NEW	90-05-004
132H-108-040	REP-P	90-03-077	132H-108-290	REP	90-09-066	132L-280-030	NEW	90-05-004
132H-108-040	REP-E	90-03-079	132H-108-300	REP-P	90-03-077	132L-280-030	NEW	90-05-004
132H-108-040	REP	90-09-066	132H-108-300	REP-E	90-03-079	132L-280-040	NEW	90-05-004
132H-108-050	REP-P	90-03-077	132H-108-300	REP	90-09-066	132L-280-050	NEW	90-05-004
132H-108-050	REP-E	90-03-079	132H-108-310	REP-P	90-03-077	132L-280-060	NEW	90-05-004
132H-108-050	REP	90-09-066	132H-108-310	REP-E	90-03-079	132L-280-070	NEW	90-05-004
132H-108-060	REP-P	90-03-077	132H-108-310	REP	90-09-066	132L-280-080	NEW	90-05-004
132H-108-060	REP-E	90-03-079	132H-108-320	REP-P	90-03-077	132L-280-090	NEW	90-05-004
132H-108-060	REP	90-09-066	132H-108-320	REP-E	90-03-079	132L-280-100	NEW	90-05-004
132H-108-070	REP-P	90-03-077	132H-108-320	REP	90-09-066	132L-280-110	NEW	90-05-004
132H-108-070	REP-E	90-03-079	132H-108-320	REP	90-09-066	132L-280-120	NEW	90-05-004
132H-108-070	REP	90-09-066	132H-108-330	REP-P	90-03-077	132L-400-010	NEW-E	90-03-073
132H-108-070	REP	90-09-066	132H-108-330	REP-E	90-03-079	132L-400-010	NEW	90-05-009
132H-108-080	REP-P	90-03-077	132H-108-330	REP	90-09-066	132L-400-020	NEW	90-05-009
132H-108-080	REP-E	90-03-079	132H-108-410	NEW-P	90-03-077	132L-400-030	NEW	90-05-009
132H-108-080	REP	90-09-066	132H-108-410	NEW-E	90-03-079	132L-400-040	NEW	90-05-009
132H-108-090	REP-P	90-03-077	132H-108-410	NEW	90-09-066	132N-400-010	NEW-P	90-04-079
132H-108-090	REP-E	90-03-079	132H-108-420	NEW-P	90-03-077	132N-400-010	NEW-C	90-10-026
132H-108-090	REP	90-09-066	132H-108-420	NEW-E	90-03-079	132N-400-020	NEW-P	90-04-079
132H-108-100	REP-P	90-03-077	132H-108-420	NEW	90-09-066	132N-400-020	NEW-C	90-10-026
132H-108-100	REP-E	90-03-079	132H-108-430	NEW-P	90-03-077	132N-400-030	NEW-P	90-04-079
132H-108-100	REP	90-09-066	132H-108-430	NEW-E	90-03-079	132N-400-030	NEW-C	90-10-026
132H-108-110	REP-P	90-03-077	132H-108-430	NEW	90-09-066	132N-400-040	NEW-P	90-04-079
132H-108-110	REP-E	90-03-079	132H-108-440	NEW-P	90-03-077	132N-400-040	NEW-C	90-10-026
132H-108-110	REP	90-09-066	132H-108-440	NEW-E	90-03-079	132P-136-040	AMD-P	90-07-058
132H-108-120	REP-P	90-03-077	132H-108-440	NEW	90-09-066	132S-01-010	NEW-P	90-03-082
132H-108-120	REP-E	90-03-079	132H-108-450	NEW-P	90-03-077	132S-01-010	NEW	90-07-006
132H-108-120	REP	90-09-066	132H-108-450	NEW-E	90-03-079	132S-01-020	NEW-P	90-03-082
132H-108-130	REP-P	90-03-077	132H-108-450	NEW	90-09-066	132S-01-020	NEW	90-07-006
132H-108-130	REP-E	90-03-079	132H-108-460	NEW-P	90-03-077	132S-01-030	NEW-P	90-03-082
132H-108-130	REP	90-09-066	132H-108-460	NEW-E	90-03-079	132S-01-030	NEW	90-07-006
132H-108-140	REP-P	90-03-077	132H-108-460	NEW	90-09-066	132S-01-040	NEW-P	90-03-082
132H-108-140	REP-E	90-03-079	132H-108-470	NEW-P	90-03-077	132S-01-040	NEW	90-07-006
132H-108-140	REP	90-09-066	132H-108-470	NEW-E	90-03-079	132S-01-050	NEW-P	90-03-082
132H-108-150	REP-P	90-03-077	132H-108-470	NEW	90-09-066	132S-01-050	NEW	90-07-006
132H-108-150	REP-E	90-03-079	132H-108-480	NEW-P	90-03-077	132S-01-060	NEW-P	90-03-082
132H-108-150	REP	90-09-066	132H-108-480	NEW-E	90-03-079	132S-01-060	NEW	90-07-006
132H-108-160	REP-P	90-03-077	132H-108-480	NEW	90-09-066	132S-01-070	NEW-P	90-03-082
132H-108-160	REP-E	90-03-079	132H-200-040	NEW-P	90-03-076	132S-01-070	NEW	90-07-006
132H-108-160	REP	90-09-066	132H-200-040	NEW-E	90-03-080	132S-01-080	NEW-P	90-03-082
132H-108-170	REP-P	90-03-077	132H-200-040	NEW	90-09-065	132S-01-080	NEW	90-07-006
132H-108-170	REP-E	90-03-079	132H-400-005	NEW-P	90-03-078	132S-01-090	NEW-P	90-03-082
132H-108-170	REP	90-09-066	132H-400-005	NEW-E	90-03-081	132S-01-090	NEW	90-07-006

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132S-05-015	NEW-P	90-03-082	136-01-010	AMD	90-07-071
132S-05-015	NEW	90-07-006	136-01-030	AMD	90-07-071
132S-05-020	NEW-P	90-03-082	136-01-040	REP	90-07-071
132S-05-020	NEW	90-07-006	136-04-020	AMD	90-07-072
132S-30-037	NEW-P	90-03-082	136-04-030	AMD	90-07-072
132S-30-037	NEW	90-07-006	136-04-040	AMD	90-07-072
132S-40-130	NEW-P	90-03-082	136-04-060	AMD	90-07-072
132S-40-130	NEW	90-07-006	136-04-080	AMD	90-07-072
132S-40-135	NEW-P	90-03-082	136-04-090	AMD	90-07-072
132S-40-135	NEW	90-07-006	136-04-100	AMD	90-07-072
132S-40-140	NEW-P	90-03-082	136-10-010	AMD	90-07-073
132S-40-140	NEW	90-07-006	136-10-020	AMD	90-07-073
132S-40-145	NEW-P	90-03-082	136-10-030	AMD	90-07-073
132S-40-145	NEW	90-07-006	136-10-040	AMD	90-07-073
132S-40-150	NEW-P	90-03-082	136-10-050	AMD	90-07-073
132S-40-150	NEW	90-07-006	136-10-060	AMD	90-07-073
132S-40-155	NEW-P	90-03-082	136-12-010	AMD	90-07-074
132S-40-155	NEW	90-07-006	136-12-020	AMD	90-07-074
132T-104-010	REP	90-03-065	136-12-030	AMD	90-07-074
132T-104-020	REP	90-03-065	136-12-060	AMD	90-07-074
132T-104-030	REP	90-03-065	136-12-070	AMD	90-07-074
132T-104-040	REP	90-03-065	136-12-080	AMD	90-07-074
132T-104-060	REP	90-03-065	136-14-010	AMD	90-07-075
132T-104-070	REP	90-03-065	136-14-020	AMD	90-07-075
132T-104-080	REP	90-03-065	136-14-030	AMD	90-07-075
132T-104-090	REP	90-03-065	136-14-040	AMD	90-07-075
132T-104-100	REP	90-03-065	136-14-050	AMD	90-07-075
132T-104-110	REP	90-03-065	136-14-060	AMD	90-07-075
132T-104-120	REP	90-03-065	136-16-010	AMD	90-07-076
132T-104-121	REP	90-03-065	136-16-018	AMD	90-07-076
132T-104-130	REP	90-03-065	136-16-022	AMD	90-07-076
132T-104-200	REP	90-03-065	136-16-042	AMD	90-07-076
132T-104-210	REP	90-03-065	136-16-050	AMD	90-07-076
132T-104-240	REP	90-03-065	136-36-010	REP	90-07-077
132T-104-250	REP	90-03-065	136-36-020	REP	90-07-077
132T-104-260	REP	90-03-065	136-36-030	REP	90-07-077
132T-104-265	REP	90-03-065	136-36-040	REP	90-07-077
132T-104-270	REP	90-03-065	139-05-925	NEW-P	90-03-085
132T-104-280	REP	90-03-065	139-05-925	NEW	90-07-012
132U-03-010	NEW	90-05-043	148-100-001	NEW-P	90-10-110
132U-03-020	NEW	90-05-043	148-108-010	NEW-P	90-10-111
132U-03-030	NEW	90-05-043	148-108-020	NEW-P	90-10-111
132U-108-010	NEW	90-05-043	148-108-030	NEW-P	90-10-111
132U-108-020	NEW	90-05-043	148-108-040	NEW-P	90-10-111
132U-108-021	NEW	90-05-043	148-108-060	NEW-P	90-10-111
132U-108-030	NEW	90-05-043	148-108-070	NEW-P	90-10-111
132U-116-030	AMD	90-05-043	148-108-080	NEW-P	90-10-111
132U-400-010	NEW	90-05-043	148-108-090	NEW-P	90-10-111
132V-400-010	NEW-P	90-03-094	148-108-100	NEW-P	90-10-111
132V-400-010	NEW	90-07-038	148-130-010	NEW-P	90-10-112
132V-400-020	NEW-P	90-03-094	148-130-020	NEW-P	90-10-112
132V-400-020	NEW	90-07-038	148-130-030	NEW-P	90-10-112
132V-400-030	NEW-P	90-03-094	148-130-035	NEW-P	90-10-112
132V-400-030	NEW	90-07-038	148-130-040	NEW-P	90-10-112
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132V-400-040	NEW	90-07-038	148-140-010	NEW-P	90-10-113
132X-60-160	NEW-P	90-10-041	148-140-020	NEW-P	90-10-113
132X-60-170	NEW-P	90-10-041	148-140-030	NEW-P	90-10-113
132X-60-180	NEW-P	90-10-041	148-140-040	NEW-P	90-10-113
132X-60-190	NEW-P	90-10-041	148-140-050	NEW-P	90-10-113
132Y-108-010	NEW-P	90-02-062	148-140-060	NEW-P	90-10-113
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132Y-108-020	NEW-P	90-02-062	148-140-080	NEW-P	90-10-113
132Y-108-020	NEW	90-08-022	148-171-001	NEW-P	90-10-114
132Y-108-030	NEW-P	90-02-062	148-171-010	NEW-P	90-10-114
132Y-108-030	NEW	90-08-022	148-171-015	NEW-P	90-10-114
132Y-108-040	NEW-P	90-02-062	148-171-100	NEW-P	90-10-114
132Y-108-040	NEW	90-08-022	148-171-110	NEW-P	90-10-114
132Y-108-050	NEW-P	90-02-062	148-171-120	NEW-P	90-10-114
132Y-108-050	NEW	90-08-022	148-171-130	NEW-P	90-10-114
132Y-108-060	NEW-P	90-02-062	148-171-140	NEW-P	90-10-114
132Y-108-060	NEW	90-08-022	148-171-150	NEW-P	90-10-114
132Y-108-070	NEW-P	90-02-062	148-171-200	NEW-P	90-10-114
132Y-108-070	NEW	90-08-022	148-171-210	NEW-P	90-10-114
132Y-108-080	NEW-P	90-02-062	148-171-220	NEW-P	90-10-114
148-171-230	NEW-P	90-10-114			
148-171-240	NEW-P	90-10-114			
148-171-400	NEW-P	90-10-114			
148-171-410	NEW-P	90-10-114			
148-171-420	NEW-P	90-10-114			
148-171-430	NEW-P	90-10-114			
148-171-500	NEW-P	90-10-114			
148-171-510	NEW-P	90-10-114			
148-171-600	NEW-P	90-10-114			
148-171-610	NEW-P	90-10-114			
148-171-620	NEW-P	90-10-114			
148-171-630	NEW-P	90-10-114			
148-171-640	NEW-P	90-10-114			
148-171-650	NEW-P	90-10-114			
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148-276-050	NEW-P	90-10-115			
148-276-060	NEW-P	90-10-115			
148-276-070	NEW-P	90-10-115			
148-276-080	NEW-P	90-10-115			
148-276-090	NEW-P	90-10-115			
148-276-100	NEW-P	90-10-115			
148-276-110	NEW-P	90-10-115			
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148-276-130	NEW-P	90-10-115			
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148-280-030	NEW-P	90-10-116			
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148-280-050	NEW-P	90-10-116			
148-280-055	NEW-P	90-10-116			
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148-325-010	NEW-P	90-10-117			
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154-04-035	REP	90-05-078			
154-04-041	NEW-P	90-02-086			
154-04-041	NEW	90-05-078			
154-04-110	REP-P	90-02-086			
154-04-110	REP	90-05-078			
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154-12-050	AMD	90-05-078			
154-12-070	AMD-P	90-02-086			
154-12-070	AMD	90-05-078			
154-12-080	AMD-P	90-02-086			
154-12-080	AMD	90-05-078			
154-12-085	AMD-P	90-02-086			
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154-12-086	AMD	90-05-078			
154-12-087	AMD-P	90-02-086			
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154-12-090	AMD	90-05-078			
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154-24-010	AMD	90-05-078			
154-32-010	AMD-P	90-02-086			
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154-40	AMD	90-05-078	173-166	AMD-C	90-06-010	173-306-490	NEW	90-10-047
154-40-010	AMD-P	90-02-086	173-166	AMD-C	90-08-080	173-306-495	NEW-P	90-02-088
154-40-010	AMD	90-05-078	173-166-010	AMD-P	90-02-096	173-306-495	NEW	90-10-047
154-44-010	AMD-P	90-02-086	173-166-020	AMD-P	90-02-096	173-306-500	NEW-P	90-02-088
154-44-010	AMD	90-05-078	173-166-030	AMD-P	90-02-096	173-306-500	NEW	90-10-047
154-64-050	AMD-P	90-02-086	173-166-040	AMD-P	90-02-096	173-306-900	NEW-P	90-02-088
154-64-050	AMD	90-05-078	173-166-050	AMD-P	90-02-096	173-306-900	NEW	90-10-047
173-06-030	RE-AD	90-07-014	173-166-060	AMD-P	90-02-096	173-306-9901	NEW-P	90-02-088
173-18-090	AMD-C	90-02-107	173-166-070	AMD-P	90-02-096	173-306-9901	NEW	90-10-047
173-18-090	AMD	90-06-068	173-166-080	NEW-P	90-02-096	173-315-010	AMD	90-10-058
173-18-090	AMD-E	90-06-069	173-166-090	NEW-P	90-02-096	173-315-040	AMD	90-10-058
173-18-200	AMD-C	90-02-107	173-166-100	NEW-P	90-02-096	173-315-050	AMD	90-10-058
173-18-200	AMD	90-06-068	173-166-110	NEW-P	90-02-096	173-322-010	NEW	90-10-057
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173-19-1104	AMD	90-02-105	173-166-130	NEW-P	90-02-096	173-322-030	NEW	90-10-057
173-19-220	AMD-P	90-03-112	173-221A-010	NEW-P	90-06-071	173-322-040	NEW	90-10-057
173-19-220	AMD-C	90-08-122	173-221A-020	NEW-P	90-06-071	173-322-050	NEW	90-10-057
173-19-220	AMD-C	90-07-061	173-221A-030	NEW-P	90-06-071	173-322-060	NEW	90-10-057
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173-19-2505	AMD	90-06-067	173-224-015	RE-AD	90-07-015	173-322-090	NEW	90-10-057
173-19-2512	AMD	90-06-106	173-224-020	RE-AD	90-07-015	173-322-100	NEW	90-10-057
173-19-2517	AMD-P	90-09-097	173-224-030	RE-AD	90-07-015	173-322-110	NEW	90-10-057
173-19-2519	AMD	90-02-101	173-224-040	RE-AD	90-07-015	173-322-120	NEW	90-10-057
173-19-2520	AMD-P	90-05-074	173-224-050	RE-AD	90-07-015	173-336-010	REP-W	90-02-097
173-19-280	AMD-P	90-09-096	173-224-060	RE-AD	90-07-015	173-336-010	REP-P	90-02-098
173-19-3514	AMD-P	90-03-110	173-224-070	RE-AD	90-07-015	173-336-010	REP	90-08-120
173-19-3514	AMD-C	90-08-122	173-224-080	RE-AD	90-07-015	173-336-020	REP-W	90-02-097
173-19-360	AMD-P	90-03-111	173-224-090	RE-AD	90-07-015	173-336-020	REP-P	90-02-098
173-19-360	AMD-C	90-06-024	173-224-100	RE-AD	90-07-015	173-336-020	REP	90-08-120
173-19-360	RE-AD	90-07-026	173-224-110	RE-AD	90-07-015	173-336-030	REP-W	90-02-097
173-19-360	AMD-C	90-08-122	173-224-120	RE-AD	90-07-015	173-336-030	REP-P	90-02-098
173-19-3601	AMD-P	90-05-075	173-303	PREP	90-06-002	173-336-030	REP	90-08-120
173-19-3601	AMD-C	90-08-122	173-303-281	AMD-P	90-10-085	173-338-010	REP-W	90-02-097
173-19-390	RE-AD	90-07-025	173-303-282	NEW-P	90-10-085	173-338-010	REP-P	90-02-098
173-19-3910	RE-AD	90-07-028	173-303-355	NEW-P	90-10-085	173-338-010	REP	90-08-120
173-19-420	AMD-C	90-05-077	173-303-420	REP-P	90-10-085	173-338-020	REP-W	90-02-097
173-19-420	AMD-C	90-08-122	173-303-806	AMD-P	90-10-085	173-338-020	REP-P	90-02-098
173-19-4201	AMD-P	90-05-076	173-306-010	NEW-P	90-02-088	173-338-020	REP	90-08-120
173-19-4201	AMD-C	90-08-122	173-306-010	NEW	90-10-047	173-338-030	REP-W	90-02-097
173-19-4202	AMD-P	90-05-076	173-306-050	NEW-P	90-02-088	173-338-030	REP-P	90-02-098
173-19-4202	AMD-C	90-08-122	173-306-100	NEW	90-10-047	173-338-030	REP	90-08-120
173-19-4203	AMD-P	90-05-076	173-306-100	NEW-P	90-02-088	173-338-040	REP-W	90-02-097
173-19-4203	AMD-C	90-08-122	173-306-100	NEW	90-10-047	173-338-040	REP-P	90-02-098
173-19-4204	AMD-P	90-05-076	173-306-150	NEW-P	90-02-088	173-338-040	REP	90-08-120
173-19-4204	AMD-C	90-08-122	173-306-150	NEW	90-10-047	173-338-050	REP-W	90-02-097
173-19-4205	AMD-P	90-05-076	173-306-200	NEW-P	90-02-088	173-338-050	REP-P	90-02-098
173-19-4205	AMD-C	90-08-122	173-306-200	NEW	90-10-047	173-338-050	REP	90-08-120
173-19-4206	AMD-P	90-05-076	173-306-300	NEW-P	90-02-088	173-340	AMD-W	90-02-097
173-19-4206	AMD-C	90-08-122	173-306-300	NEW	90-10-047	173-340	AMD-P	90-02-098
173-19-4507	AMD	90-07-063	173-306-310	NEW-P	90-02-088	173-340	AMD	90-08-086
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173-50-030	RE-AD	90-07-017	173-306-320	NEW	90-10-047	173-340-010	REP	90-08-086
173-50-040	RE-AD	90-07-017	173-306-330	NEW-P	90-02-088	173-340-020	REP-W	90-02-097
173-50-050	RE-AD	90-07-017	173-306-330	NEW	90-10-047	173-340-020	REP-P	90-02-098
173-50-060	RE-AD	90-07-017	173-306-340	NEW-P	90-02-088	173-340-020	REP	90-08-086
173-50-070	RE-AD	90-07-017	173-306-340	NEW	90-10-047	173-340-030	REP-W	90-02-097
173-50-080	RE-AD	90-07-017	173-306-345	NEW-P	90-02-088	173-340-030	REP-P	90-02-098
173-50-090	RE-AD	90-07-017	173-306-345	NEW	90-10-047	173-340-030	REP	90-08-086
173-50-100	RE-AD	90-07-017	173-306-350	NEW-P	90-02-088	173-340-040	REP-W	90-02-097
173-50-110	RE-AD	90-07-017	173-306-350	NEW	90-10-047	173-340-040	REP-P	90-02-098
173-50-120	RE-AD	90-07-017	173-306-400	NEW-P	90-02-088	173-340-040	REP	90-08-086
173-50-130	RE-AD	90-07-017	173-306-400	NEW	90-10-047	173-340-050	REP-W	90-02-097
173-50-140	RE-AD	90-07-017	173-306-405	NEW-P	90-02-088	173-340-050	REP-P	90-02-098
173-50-150	RE-AD	90-07-017	173-306-405	NEW	90-10-047	173-340-050	REP	90-08-086
173-50-160	RE-AD	90-07-017	173-306-410	NEW-P	90-02-088	173-340-100	NEW-W	90-02-097
173-50-170	RE-AD	90-07-017	173-306-410	NEW	90-10-047	173-340-100	NEW-P	90-02-098
173-50-180	RE-AD	90-07-017	173-306-440	NEW-P	90-02-088	173-340-100	NEW	90-08-086
173-50-190	RE-AD	90-07-017	173-306-440	NEW	90-10-047	173-340-110	NEW-W	90-02-097
173-50-200	RE-AD	90-07-017	173-306-450	NEW-P	90-02-088	173-340-110	NEW-P	90-02-098
173-50-210	RE-AD	90-07-017	173-306-450	NEW	90-10-047	173-340-110	NEW	90-08-086
173-158-030	RE-AD	90-06-059	173-306-470	NEW-P	90-02-088	173-340-120	NEW-W	90-02-097
173-158-060	RE-AD	90-06-059	173-306-470	NEW	90-10-047	173-340-120	NEW-P	90-02-098
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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-340-130	NEW-W	90-02-097	173-340-800	NEW	90-08-086	173-403-150	REP-P	90-05-052
173-340-130	NEW-P	90-02-098	173-340-810	NEW-W	90-02-097	173-403-160	REP-P	90-05-052
173-340-130	NEW	90-08-086	173-340-810	NEW-P	90-02-098	173-403-170	REP-P	90-05-052
173-340-140	NEW-W	90-02-097	173-340-810	NEW	90-08-086	173-403-180	REP-P	90-05-052
173-340-140	NEW-P	90-02-098	173-340-820	NEW-W	90-02-097	173-403-190	REP-P	90-05-052
173-340-140	NEW	90-08-086	173-340-820	NEW-P	90-02-098	173-405-012	AMD-P	90-05-052
173-340-200	NEW-W	90-02-097	173-340-820	NEW	90-08-086	173-405-021	AMD-P	90-05-052
173-340-200	NEW-P	90-02-098	173-340-830	NEW-W	90-02-097	173-405-033	AMD-P	90-05-052
173-340-200	NEW	90-08-086	173-340-830	NEW-P	90-02-098	173-405-035	AMD-P	90-05-052
173-340-210	NEW-W	90-02-097	173-340-830	NEW	90-08-086	173-405-040	AMD-P	90-05-052
173-340-210	NEW-P	90-02-098	173-340-840	NEW-W	90-02-097	173-405-041	REP-P	90-05-052
173-340-210	NEW	90-08-086	173-340-840	NEW-P	90-02-098	173-405-045	AMD-P	90-05-052
173-340-300	NEW-W	90-02-097	173-340-840	NEW	90-08-086	173-405-061	AMD-P	90-05-052
173-340-300	NEW-P	90-02-098	173-340-850	NEW-W	90-02-097	173-405-072	AMD-P	90-05-052
173-340-300	NEW	90-08-086	173-340-850	NEW-P	90-02-098	173-405-077	AMD-P	90-05-052
173-340-310	NEW-W	90-02-097	173-340-850	NEW	90-08-086	173-405-078	AMD-P	90-05-052
173-340-310	NEW-P	90-02-098	173-340-860	NEW-W	90-02-097	173-405-086	AMD-P	90-05-052
173-340-310	NEW	90-08-086	173-340-860	NEW-P	90-02-098	173-405-087	AMD-P	90-05-052
173-340-320	NEW-W	90-02-097	173-340-860	NEW	90-08-086	173-405-091	AMD-P	90-05-052
173-340-320	NEW-P	90-02-098	173-340-870	NEW-W	90-02-097	173-410-012	AMD-P	90-05-052
173-340-320	NEW	90-08-086	173-340-870	NEW-P	90-02-098	173-410-021	AMD-P	90-05-052
173-340-330	NEW-W	90-02-097	173-340-870	NEW	90-08-086	173-410-035	AMD-P	90-05-052
173-340-330	NEW-P	90-02-098	173-340-880	NEW-W	90-02-097	173-410-040	AMD-P	90-05-052
173-340-330	NEW	90-08-086	173-340-880	NEW-P	90-02-098	173-410-042	REP-P	90-05-052
173-340-340	NEW-W	90-02-097	173-340-880	NEW	90-08-086	173-410-045	AMD-P	90-05-052
173-340-340	NEW-P	90-02-098	173-340-890	NEW-W	90-02-097	173-410-062	AMD-P	90-05-052
173-340-340	NEW	90-08-086	173-340-890	NEW-P	90-02-098	173-410-067	AMD-P	90-05-052
173-340-350	NEW-W	90-02-097	173-340-890	NEW	90-08-086	173-410-071	AMD-P	90-05-052
173-340-350	NEW-P	90-02-098	173-342-010	NEW	90-03-020	173-410-086	AMD-P	90-05-052
173-340-350	NEW	90-08-086	173-342-020	NEW	90-03-020	173-410-087	AMD-P	90-05-052
173-340-360	NEW-W	90-02-097	173-342-030	NEW	90-03-020	173-410-100	NEW-P	90-05-052
173-340-360	NEW-P	90-02-098	173-342-040	NEW	90-03-020	173-415-010	AMD-P	90-05-052
173-340-360	NEW	90-08-086	173-342-050	NEW	90-03-020	173-415-020	AMD-P	90-05-052
173-340-400	NEW-W	90-02-097	173-400-010	AMD-P	90-05-052	173-415-030	AMD-P	90-05-052
173-340-400	NEW-P	90-02-098	173-400-020	AMD-P	90-05-052	173-415-040	AMD-P	90-05-052
173-340-400	NEW	90-08-086	173-400-030	AMD-P	90-05-052	173-415-041	REP-P	90-05-052
173-340-410	NEW-W	90-02-097	173-400-040	AMD-P	90-05-052	173-415-045	AMD-P	90-05-052
173-340-410	NEW-P	90-02-098	173-400-050	AMD-P	90-05-052	173-415-050	AMD-P	90-05-052
173-340-410	NEW	90-08-086	173-400-060	AMD-P	90-05-052	173-415-051	AMD-P	90-05-052
173-340-420	NEW-W	90-02-097	173-400-070	AMD-P	90-05-052	173-415-060	AMD-P	90-05-052
173-340-420	NEW-P	90-02-098	173-400-075	AMD-P	90-05-052	173-415-070	AMD-P	90-05-052
173-340-420	NEW	90-08-086	173-400-100	AMD-P	90-05-052	173-415-080	AMD-P	90-05-052
173-340-430	NEW-W	90-02-097	173-400-105	AMD-P	90-05-052	173-422-020	AMD	90-06-062
173-340-430	NEW-P	90-02-098	173-400-110	AMD-P	90-05-052	173-422-035	NEW	90-06-062
173-340-430	NEW	90-08-086	173-400-115	AMD-P	90-05-052	173-422-040	AMD	90-06-062
173-340-500	NEW-W	90-02-097	173-400-120	AMD-P	90-05-052	173-422-060	AMD	90-06-062
173-340-500	NEW-P	90-02-098	173-400-131	NEW-P	90-05-052	173-422-070	AMD	90-06-062
173-340-500	NEW	90-08-086	173-400-136	NEW-P	90-05-052	173-422-090	AMD	90-06-062
173-340-510	NEW-W	90-02-097	173-400-141	NEW-P	90-05-052	173-422-100	AMD	90-06-062
173-340-510	NEW-P	90-02-098	173-400-151	NEW-P	90-05-052	173-422-130	AMD	90-06-062
173-340-510	NEW	90-08-086	173-400-161	NEW-P	90-05-052	173-422-140	AMD	90-06-062
173-340-520	NEW-W	90-02-097	173-400-171	NEW-P	90-05-052	173-422-145	AMD	90-06-062
173-340-520	NEW-P	90-02-098	173-400-180	NEW-P	90-05-052	173-422-160	AMD	90-06-062
173-340-520	NEW	90-08-086	173-400-190	NEW-P	90-05-052	173-422-170	AMD	90-06-062
173-340-530	NEW-W	90-02-097	173-400-200	NEW-P	90-05-052	173-422-190	NEW	90-06-062
173-340-530	NEW-P	90-02-098	173-400-205	NEW-P	90-05-052	173-422-195	NEW	90-06-062
173-340-530	NEW	90-08-086	173-400-210	NEW-P	90-05-052	173-425-010	AMD-P	90-06-102
173-340-540	NEW-W	90-02-097	173-400-220	NEW-P	90-05-052	173-425-020	AMD-P	90-06-102
173-340-540	NEW-P	90-02-098	173-400-230	NEW-P	90-05-052	173-425-030	AMD-P	90-06-102
173-340-540	NEW	90-08-086	173-400-240	NEW-P	90-05-052	173-425-036	AMD-P	90-06-102
173-340-550	NEW-W	90-02-097	173-400-250	NEW-P	90-05-052	173-425-055	AMD-P	90-06-102
173-340-550	NEW-P	90-02-098	173-400-260	NEW-P	90-05-052	173-425-065	AMD-P	90-06-102
173-340-550	NEW	90-08-086	173-403-010	REP-P	90-05-052	173-425-075	AMD-P	90-06-102
173-340-560	NEW-W	90-02-097	173-403-020	REP-P	90-05-052	173-425-085	AMD-P	90-06-102
173-340-560	NEW-P	90-02-098	173-403-030	REP-P	90-05-052	173-425-095	AMD-P	90-06-102
173-340-560	NEW	90-08-086	173-403-050	REP-P	90-05-052	173-425-100	AMD-P	90-06-102
173-340-600	NEW-W	90-02-097	173-403-060	REP-P	90-05-052	173-425-115	AMD-P	90-06-102
173-340-600	NEW-P	90-02-098	173-403-070	REP-P	90-05-052	173-425-120	AMD-P	90-06-102
173-340-600	NEW	90-08-086	173-403-075	REP-P	90-05-052	173-425-130	AMD-P	90-06-102
173-340-610	NEW-W	90-02-097	173-403-080	REP-P	90-05-052	173-425-140	AMD-P	90-06-102
173-340-610	NEW-P	90-02-098	173-403-090	REP-P	90-05-052	173-430-010	AMD-P	90-06-102
173-340-610	NEW	90-08-086	173-403-100	REP-P	90-05-052	173-430-020	AMD-P	90-06-102
173-340-700	NEW-W	90-02-097	173-403-110	REP-P	90-05-052	173-430-030	AMD-P	90-06-102
173-340-700	NEW-P	90-02-098	173-403-120	REP-P	90-05-052	173-430-040	AMD-P	90-06-102
173-340-700	NEW	90-08-086	173-403-130	REP-P	90-05-052	173-430-050	AMD-P	90-06-102
173-340-800	NEW-W	90-02-097	173-403-141	REP-P	90-05-052	173-430-060	AMD-P	90-06-102
173-340-800	NEW-P	90-02-098	173-403-145	REP-P	90-05-052	173-430-070	AMD-P	90-06-102

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-430-080	AMD-P	90-06-102	174-112-130	REP	90-04-011	174-157-600	REP	90-04-011
173-433-030	AMD-P	90-06-102	174-112-140	REP	90-04-011	174-157-610	REP	90-04-011
173-433-100	AMD-P	90-06-102	174-112-150	REP	90-04-011	174-157-620	REP	90-04-011
173-433-110	AMD-P	90-06-102	174-122-010	NEW	90-04-011	174-157-990	REP	90-04-011
173-433-120	AMD-P	90-06-102	174-122-020	NEW	90-04-011	174-160-010	REP	90-04-011
173-433-130	AMD-P	90-06-102	174-122-030	NEW	90-04-011	174-160-020	REP	90-04-011
173-433-150	AMD-P	90-06-102	174-122-040	NEW	90-04-011	174-160-030	REP	90-04-011
173-433-170	AMD-P	90-06-102	174-126-010	REP	90-04-011	174-160-040	REP	90-04-011
173-433-200	AMD-P	90-06-102	174-126-020	REP	90-04-011	174-162-010	REP	90-04-011
173-434-010	AMD-P	90-06-102	174-126-030	REP	90-04-011	174-162-015	REP	90-04-011
173-434-020	AMD-P	90-06-102	174-128-010	REP	90-04-011	174-162-020	REP	90-04-011
173-434-030	AMD-P	90-06-102	174-128-020	REP	90-04-011	174-162-025	REP	90-04-011
173-434-050	AMD-P	90-06-102	174-128-030	REP	90-04-011	174-162-030	REP	90-04-011
173-434-070	NEW-P	90-06-102	174-128-040	REP	90-04-011	174-162-035	REP	90-04-011
173-434-090	NEW-P	90-06-102	174-128-042	REP	90-04-011	174-162-040	REP	90-04-011
173-434-100	AMD-P	90-06-102	174-128-044	REP	90-04-011	174-162-045	REP	90-04-011
173-434-110	AMD-P	90-06-102	174-128-046	REP	90-04-011	174-168-010	NEW-W	90-03-037
173-434-120	AMD-P	90-06-102	174-128-050	REP	90-04-011	174-168-010	NEW-P	90-04-028
173-434-130	AMD-P	90-06-102	174-128-060	REP	90-04-011	174-168-010	NEW-C	90-10-001
173-434-160	AMD-P	90-06-102	174-128-062	REP	90-04-011	174-168-020	NEW-W	90-03-037
173-434-170	AMD-P	90-06-102	174-128-064	REP	90-04-011	174-168-020	NEW-P	90-04-028
173-434-190	AMD-P	90-06-102	174-128-066	REP	90-04-011	174-168-020	NEW-C	90-10-001
173-434-200	AMD-P	90-06-102	174-128-070	REP	90-04-011	174-168-020	NEW-P	90-04-028
173-434-210	AMD-P	90-06-102	174-128-080	REP	90-04-011	174-168-030	NEW-C	90-10-001
173-440-010	AMD-P	90-06-102	174-128-090	REP	90-04-011	174-168-040	NEW-P	90-04-028
173-440-030	AMD-P	90-06-102	174-128-990	REP	90-04-011	174-168-040	NEW-C	90-10-001
173-440-100	AMD-P	90-06-102	174-130-010	NEW	90-04-011	174-168-050	NEW-P	90-04-028
173-490-010	AMD-P	90-05-052	174-130-020	NEW	90-04-011	174-168-050	NEW-C	90-10-001
173-490-020	AMD-P	90-05-052	174-131-010	NEW	90-04-011	174-168-060	NEW-P	90-04-028
173-490-025	AMD-P	90-05-052	174-132	AMD	90-04-011	174-168-060	NEW-C	90-10-001
173-490-030	AMD-P	90-05-052	174-132-010	AMD	90-04-011	174-168-070	NEW-P	90-04-028
173-490-040	AMD-P	90-05-052	174-132-020	REP	90-04-011	174-168-070	NEW-C	90-10-001
173-490-070	REP-P	90-05-052	174-132-030	REP	90-04-011	174-168-080	NEW-P	90-04-028
173-490-071	REP-P	90-05-052	174-132-040	REP	90-04-011	174-168-080	NEW-C	90-10-001
173-490-080	AMD-P	90-05-052	174-132-050	REP	90-04-011	174-276-010	NEW	90-04-011
173-490-090	AMD-P	90-05-052	174-132-060	REP	90-04-011	174-276-020	NEW	90-04-011
173-490-120	REP-P	90-05-052	174-132-070	REP	90-04-011	174-276-030	NEW	90-04-011
173-490-130	REP-P	90-05-052	174-132-080	REP	90-04-011	174-276-040	NEW	90-04-011
173-490-135	REP-P	90-05-052	174-132-090	REP	90-04-011	174-276-050	NEW	90-04-011
173-490-140	REP-P	90-05-052	174-132-100	REP	90-04-011	174-276-060	NEW	90-04-011
173-490-150	REP-P	90-05-052	174-132-110	REP	90-04-011	174-276-070	NEW	90-04-011
173-490-200	AMD-P	90-05-052	174-132-120	REP	90-04-011	174-276-080	NEW	90-04-011
173-490-201	AMD-P	90-05-052	174-133-010	NEW	90-04-011	174-276-090	NEW	90-04-011
173-490-202	AMD-P	90-05-052	174-133-020	NEW	90-04-011	174-276-100	NEW	90-04-011
173-490-203	AMD-P	90-05-052	174-135-010	NEW	90-04-011	174-276-110	NEW	90-04-011
173-490-204	AMD-P	90-05-052	174-136-010	REP	90-04-011	174-276-120	NEW	90-04-011
173-490-205	AMD-P	90-05-052	174-136-011	REP	90-04-011	174-280-010	NEW	90-04-011
173-490-207	AMD-P	90-05-052	174-136-012	REP	90-04-011	174-280-015	NEW	90-04-011
173-490-208	AMD-P	90-05-052	174-136-013	REP	90-04-011	174-280-020	NEW	90-04-011
173-495-010	AMD-P	90-06-102	174-136-014	REP	90-04-011	174-280-025	NEW	90-04-011
173-495-020	AMD-P	90-06-102	174-136-015	REP	90-04-011	174-280-030	NEW	90-04-011
173-495-030	AMD-P	90-06-102	174-136-016	REP	90-04-011	174-280-035	NEW	90-04-011
173-495-040	AMD-P	90-06-102	174-136-017	REP	90-04-011	174-280-040	NEW	90-04-011
173-495-045	AMD-P	90-06-102	174-136-018	REP	90-04-011	174-280-045	NEW	90-04-011
173-495-050	AMD-P	90-06-102	174-136-019	REP	90-04-011	174-400-010	NEW	90-05-031
173-495-060	AMD-P	90-06-102	174-136-02001	REP	90-04-011	180-25-025	AMD	90-04-031
173-495-065	AMD-P	90-06-102	174-136-021	REP	90-04-011	180-25-300	REP	90-04-032
173-495-070	AMD-P	90-06-102	174-136-022	REP	90-04-011	180-27-050	AMD	90-04-031
173-495-080	AMD-P	90-06-102	174-136-060	REP	90-04-011	180-27-058	AMD	90-04-031
173-495-100	AMD-P	90-06-102	174-136-080	REP	90-04-011	180-27-425	NEW	90-04-031
173-495-120	AMD-P	90-06-102	174-136-090	REP	90-04-011	180-29-300	REP	90-04-032
173-802-050	RE-AD	90-06-014	174-136-100	REP	90-04-011	180-75-005	AMD	90-02-073
174-108	AMD	90-04-011	174-136-110	REP	90-04-011	180-75-018	REP	90-02-073
174-108-170	REP	90-04-011	174-136-120	REP	90-04-011	180-75-019	REP	90-02-073
174-108-180	REP	90-04-011	174-136-130	REP	90-04-011	180-75-020	REP	90-02-073
174-108-190	REP	90-04-011	174-136-140	REP	90-04-011	180-75-025	REP	90-02-073
174-108-200	REP	90-04-011	174-136-160	REP	90-04-011	180-75-026	REP	90-02-073
174-108-210	REP	90-04-011	174-136-170	REP	90-04-011	180-75-027	REP	90-02-073
174-108-220	REP	90-04-011	174-136-210	REP	90-04-011	180-75-030	REP	90-02-073
174-108-230	REP	90-04-011	174-136-220	REP	90-04-011	180-75-033	REP	90-02-073
174-108-240	REP	90-04-011	174-136-230	REP	90-04-011	180-75-034	REP	90-02-073
174-108-250	REP	90-04-011	174-136-240	REP	90-04-011	180-75-035	REP	90-02-073
174-108-260	REP	90-04-011	174-136-250	REP	90-04-011	180-75-037	REP	90-02-073
174-108-900	REP	90-04-011	174-136-300	REP	90-04-011	180-75-038	REP	90-02-073
174-108-90001	REP	90-04-011	174-136-310	REP	90-04-011	180-75-039	REP	90-02-073
174-108-90002	REP	90-04-011	174-136-320	REP	90-04-011	180-75-040	REP	90-02-073
174-108-910	NEW	90-04-011	174-136-330	REP	90-04-011	180-75-042	REP	90-02-073

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-75-043	REP	90-02-073	180-86-135	NEW	90-02-076	212-17-325	AMD	90-10-006
180-75-044	REP	90-02-073	180-86-140	NEW	90-02-076	212-17-330	AMD-P	90-04-097
180-75-045	AMD	90-02-073	180-86-145	NEW	90-02-076	212-17-330	AMD	90-10-006
180-75-061	AMD-P	90-08-112	180-86-150	NEW	90-02-076	212-17-335	AMD-P	90-04-097
180-75-065	AMD-P	90-08-112	180-86-155	NEW	90-02-076	212-17-335	AMD	90-10-006
180-75-081	AMD	90-02-073	180-86-160	NEW	90-02-076	220-12-01000B	NEW-E	90-06-058
180-75-084	REP	90-02-073	180-86-165	NEW	90-02-076	220-16	AMD-C	90-06-025
180-75-086	REP	90-02-073	180-86-170	NEW	90-02-076	220-16-410	AMD	90-03-068
180-75-090	AMD-P	90-08-112	180-86-175	NEW	90-02-076	220-16-420	NEW	90-03-068
180-75-199	REP	90-02-073	180-86-180	NEW	90-02-076	220-16-430	NEW-C	90-07-002
180-78-057	AMD-P	90-08-113	180-86-185	NEW	90-02-076	220-16-430	NEW	90-07-003
180-78-191	AMD	90-02-074	180-86-200	NEW	90-02-076	220-16-440	NEW-P	90-02-112
180-78-191	AMD	90-02-104	180-87-001	NEW	90-02-075	220-16-440	NEW	90-06-026
180-78-192	REP	90-02-074	180-87-003	NEW	90-02-075	220-16-450	NEW-P	90-02-112
180-78-192	REP	90-02-104	180-87-005	NEW	90-02-075	220-16-450	NEW	90-06-026
180-78-193	REP	90-02-074	180-87-010	NEW	90-02-075	220-20	AMD-C	90-06-043
180-78-193	REP	90-02-104	180-87-015	NEW	90-02-075	220-20-010	AMD-P	90-06-079
180-78-194	REP	90-02-074	180-87-020	NEW	90-02-075	220-20-017	AMD-P	90-08-008
180-78-194	REP	90-02-104	180-87-025	NEW	90-02-075	220-20-020	AMD-P	90-02-111
180-78-195	REP	90-02-074	180-87-030	NEW	90-02-075	220-20-020	AMD	90-06-045
180-78-195	REP	90-02-104	180-87-035	NEW	90-02-075	220-20-020	AMD-C	90-07-002
180-78-197	REP	90-02-074	180-87-040	NEW	90-02-075	220-20-020	AMD	90-07-003
180-78-197	REP	90-02-104	180-87-045	NEW	90-02-075	220-20-025	AMD-P	90-02-111
180-78-198	REP	90-02-074	180-87-050	NEW	90-02-075	220-20-025	AMD	90-06-045
180-78-198	REP	90-02-104	180-87-055	NEW	90-02-075	220-22-020	AMD	90-03-068
180-78-199	REP	90-02-074	180-87-060	NEW	90-02-075	220-22-030	AMD-P	90-09-093
180-78-199	REP	90-02-104	180-87-065	NEW	90-02-075	220-24-02000L	NEW-E	90-10-033
180-79-045	AMD-P	90-08-115	180-87-070	NEW	90-02-075	220-28-41303	NEW-E	90-02-065
180-79-049	AMD-P	90-08-115	180-87-080	NEW	90-02-075	220-32-05100X	REP-E	90-04-046
180-79-060	AMD-P	90-08-115	180-87-085	NEW	90-02-075	220-32-05100Y	NEW-E	90-04-046
180-79-065	AMD-P	90-08-115	180-87-090	NEW	90-02-075	220-32-05500U	NEW-E	90-10-053
180-79-075	AMD-P	90-08-115	180-87-095	NEW	90-02-075	220-32-05700E	NEW-E	90-03-006
180-79-080	AMD-P	90-08-115	182-12-115	AMD-P	90-04-087	220-32-05900R	NEW-E	90-10-034
180-79-230	AMD-E	90-08-111	192-12-050	AMD	90-08-028	220-33-01000L	REP-E	90-05-008
180-79-230	AMD-P	90-08-115	192-12-350	NEW	90-08-028	220-33-01000M	NEW-E	90-05-008
180-79-230	AMD-E	90-09-027	192-12-355	NEW	90-08-028	220-33-01000M	REP-E	90-05-030
180-79-245	AMD-P	90-08-115	192-12-360	NEW	90-08-028	220-33-01000N	NEW-E	90-05-030
180-79-362	AMD-P	90-08-115	192-12-365	NEW	90-08-028	220-36-021	AMD-P	90-09-092
180-79-364	AMD-P	90-08-115	192-16-004	NEW-E	90-09-057	220-36-023	AMD-P	90-09-092
180-85-045	AMD-P	90-08-114	196-08-030	REP	90-05-071	220-36-031	AMD-P	90-09-092
180-85-080	REP-P	90-08-114	196-24-090	AMD	90-05-071	220-40-021	AMD-P	90-09-092
180-85-083	REP-P	90-08-114	196-24-092	NEW	90-05-071	220-40-026	REP-P	90-09-092
180-85-085	AMD-P	90-08-114	196-26-020	AMD	90-03-028	220-40-027	AMD-P	90-09-092
180-85-100	AMD-P	90-08-114	196-26-020	AMD-E	90-04-010	220-40-031	AMD-P	90-09-092
180-85-105	AMD-P	90-08-114	196-27-020	AMD	90-05-071	220-44-050	AMD-P	90-06-080
180-85-106	NEW-P	90-08-114	204-30-010	NEW-P	90-10-076	220-44-05000B	REP-E	90-04-047
180-85-107	NEW-P	90-08-114	204-30-020	NEW-P	90-10-076	220-44-05000C	NEW-E	90-04-047
180-85-108	NEW-P	90-08-114	204-30-030	NEW-P	90-10-076	220-44-05000C	REP-E	90-07-031
180-85-109	NEW-P	90-08-114	204-30-040	NEW-P	90-10-076	220-44-05000D	NEW-E	90-07-031
180-85-110	AMD-P	90-08-114	204-30-050	NEW-P	90-10-076	220-47-304	AMD-P	90-09-093
180-85-115	AMD-P	90-08-114	204-30-060	NEW-P	90-10-076	220-47-307	AMD-P	90-09-093
180-85-202	REP-P	90-08-114	204-30-070	NEW-P	90-10-076	220-47-311	AMD-P	90-09-093
180-85-205	AMD-P	90-08-114	204-30-080	NEW-P	90-10-076	220-47-312	REP-P	90-09-093
180-86-003	NEW	90-02-076	204-36-030	AMD-P	90-04-023	220-47-313	REP-P	90-09-093
180-86-005	NEW	90-02-076	204-36-030	AMD	90-07-034	220-47-319	AMD-P	90-09-093
180-86-010	NEW	90-02-076	204-36-040	AMD-P	90-04-023	220-47-401	AMD-P	90-09-093
180-86-012	NEW	90-02-076	204-36-040	AMD	90-07-034	220-47-402	REP-P	90-09-093
180-86-015	NEW	90-02-076	204-36-050	AMD-P	90-04-023	220-47-403	REP-P	90-09-093
180-86-020	NEW	90-02-076	204-36-050	AMD	90-07-034	220-47-411	AMD-P	90-09-093
180-86-030	NEW	90-02-076	204-36-060	AMD-P	90-04-023	220-47-412	AMD-P	90-09-093
180-86-035	NEW	90-02-076	204-36-060	AMD	90-07-034	220-47-413	REP-P	90-09-093
180-86-040	NEW	90-02-076	204-44-010	AMD	90-06-055	220-47-414	REP-P	90-09-093
180-86-050	NEW	90-02-076	204-44-030	AMD	90-06-055	220-47-500	NEW-P	90-09-093
180-86-055	NEW	90-02-076	204-48-020	AMD-P	90-08-023	220-48-01500D	NEW-E	90-06-001
180-86-065	NEW	90-02-076	204-88-030	AMD	90-06-056	220-49-02000C	NEW-E	90-10-032
180-86-070	NEW	90-02-076	204-990	REP-P	90-08-024	220-49-063	NEW-C	90-07-002
180-86-075	NEW	90-02-076	212-17-300	AMD-P	90-04-097	220-49-063	NEW	90-07-003
180-86-085	NEW	90-02-076	212-17-300	AMD	90-10-006	220-49-064	NEW-C	90-07-002
180-86-090	NEW	90-02-076	212-17-305	AMD-P	90-04-097	220-49-064	NEW	90-07-003
180-86-095	NEW	90-02-076	212-17-305	AMD	90-10-006	220-52-05100D	NEW-E	90-10-035
180-86-097	NEW	90-02-076	212-17-310	AMD-P	90-04-097	220-52-07100E	NEW-E	90-10-051
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180-86-105	NEW	90-02-076	212-17-315	AMD-P	90-04-097	220-55-010	AMD-P	90-08-008
180-86-110	NEW	90-02-076	212-17-315	AMD	90-10-006	220-55-01000A	NEW-E	90-07-040
180-86-115	NEW	90-02-076	212-17-317	NEW-P	90-04-097	220-55-01000A	REP-E	90-08-034
180-86-120	NEW	90-02-076	212-17-317	NEW	90-10-006	220-55-01000B	NEW-E	90-08-034
180-86-130	NEW	90-02-076	212-17-325	AMD-P	90-04-097	220-55-015	AMD-P	90-08-008

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220-55-150	NEW	90-03-068	220-57-260	AMD	90-06-026	230-50-580	AMD-E	90-09-073
220-56	AMD-C	90-06-025	220-57-270	AMD-P	90-02-112	230-50-580	AMD-P	90-10-008
220-56-105	AMD-P	90-02-112	220-57-270	AMD	90-06-026	230-60-010	AMD	90-03-064
220-56-105	AMD	90-06-026	220-57-290	AMD-P	90-02-112	230-60-020	REP	90-03-064
220-56-115	AMD-P	90-02-112	220-57-290	AMD	90-06-026	230-60-025	AMD	90-03-064
220-56-115	AMD	90-06-026	220-57-315	AMD-P	90-02-112	230-60-100	NEW	90-05-032
220-56-125	AMD-P	90-02-112	220-57-31500S	NEW-E	90-07-032	232-12-011	AMD-P	90-04-098
220-56-125	AMD	90-06-026	220-57-328	NEW-P	90-02-112	232-12-017	AMD-P	90-06-084
220-56-126	AMD-P	90-02-112	220-57-465	AMD-P	90-02-112	232-12-017	AMD	90-10-067
220-56-126	AMD	90-06-026	220-57-465	AMD	90-06-026	232-12-019	AMD-P	90-06-085
220-56-127	AMD-P	90-02-112	220-57-497	NEW-P	90-02-112	232-12-019	AMD	90-10-068
220-56-127	AMD	90-06-026	220-57-497	NEW	90-06-044	232-12-047	AMD-P	90-06-091
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220-56-156	AMD-C	90-06-081	220-57-50500R	NEW-E	90-07-032	232-12-177	AMD-P	90-06-089
220-56-156	AMD	90-08-001	220-57-515	AMD-P	90-02-112	232-12-184	RE-AD-P	90-06-090
220-56-160	AMD-P	90-02-112	220-57-51500E	NEW-E	90-07-032	232-12-187	RE-AD-P	90-06-090
220-56-160	AMD	90-06-026	220-57-530	NEW-P	90-02-112	232-12-191	AMD-P	90-06-088
220-56-165	AMD-P	90-02-112	220-57A	AMD-C	90-06-025	232-12-251	RE-AD-P	90-06-090
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220-56-175	AMD-P	90-02-112	220-57A-080	AMD	90-06-026	232-12-297	NEW-P	90-04-099
220-56-175	AMD	90-06-026	220-57A-180	AMD-P	90-02-112	232-28-022	NEW-P	90-04-100
220-56-180	AMD-P	90-02-112	220-57A-180	AMD	90-06-026	232-28-218	REP-P	90-04-100
220-56-180	AMD	90-06-026	220-69-220	AMD	90-03-068	232-28-219	NEW-P	90-06-093
220-56-190	AMD-P	90-02-112	220-69-237	AMD	90-03-068	232-28-220	NEW-P	90-06-094
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220-56-197	AMD	90-06-026	220-69-23900A	NEW-E	90-09-051	232-28-61729	NEW	90-02-071
220-56-205	AMD-P	90-02-112	220-69-260	AMD	90-03-068	232-28-61730	NEW-E	90-03-072
220-56-205	AMD	90-06-026	220-69-264	AMD	90-03-068	232-28-61731	NEW-E	90-08-066
220-56-230	NEW-P	90-02-112	220-140-001	NEW	90-04-026	232-28-61802	NEW-E	90-02-067
220-56-230	NEW	90-06-026	220-140-010	NEW	90-04-026	232-28-61802	NEW-P	90-04-101
220-56-235	AMD-P	90-02-112	220-140-020	NEW	90-04-026	232-28-61802	NEW	90-08-064
220-56-235	AMD	90-06-026	220-140-030	NEW	90-04-026	232-28-61803	NEW-E	90-02-068
220-56-240	AMD-P	90-02-112	222-16-010	AMD-W	90-10-099	232-28-61803	NEW-P	90-04-102
220-56-240	AMD	90-06-026	222-16-050	AMD-W	90-10-099	232-28-61803	NEW	90-08-065
220-56-24500G	NEW-E	90-08-003	222-16-060	NEW-W	90-10-099	232-28-61804	NEW-E	90-02-069
220-56-25500F	NEW-E	90-08-003	222-20-040	AMD-W	90-10-099	232-28-61804	NEW-P	90-04-103
220-56-282	AMD-P	90-02-112	222-20-050	AMD-W	90-10-099	232-28-61804	NEW	90-08-067
220-56-282	AMD	90-06-026	222-46-020	AMD-W	90-10-099	232-28-61805	NEW-E	90-02-066
220-56-307	AMD-P	90-02-112	222-46-030	AMD-W	90-10-099	232-28-61805	NEW-P	90-04-104
220-56-307	AMD	90-06-026	222-46-040	AMD-W	90-10-099	232-28-61805	NEW	90-08-063
220-56-310	AMD-P	90-02-112	224-12-090	AMD-P	90-03-091	232-28-61806	NEW-P	90-06-086
220-56-310	AMD	90-06-026	230-02-010	AMD	90-03-064	232-28-61806	NEW-E	90-09-052
220-56-320	AMD-P	90-02-112	230-02-022	AMD-P	90-05-034	232-28-61807	NEW-P	90-06-087
220-56-320	AMD	90-06-026	230-02-022	AMD	90-10-007	232-28-61807	NEW	90-10-069
220-56-32500R	NEW-E	90-10-035	230-04-020	AMD	90-03-064	232-28-712	REP	90-03-083
220-56-330	AMD-P	90-02-112	230-04-190	AMD	90-03-064	232-28-713	NEW	90-03-083
220-56-330	AMD	90-06-026	230-04-270	AMD	90-03-064	232-28-811	REP-P	90-04-105
220-56-350	AMD-P	90-02-112	230-08-120	AMD-P	90-05-034	232-28-812	NEW-P	90-04-105
220-56-350	AMD	90-06-026	230-08-120	AMD	90-10-007	246-09-060	NEW-P	90-04-030
220-56-35000I	NEW-E	90-06-058	230-08-125	AMD-P	90-05-034	246-09-060	NEW	90-08-003
220-56-36000T	NEW-E	90-07-039	230-08-125	AMD	90-10-007	248-06-385	AMD	90-06-019
220-56-36000T	REP-E	90-10-011	230-08-260	AMD-P	90-10-008	248-08-001	REP	90-06-018
220-56-36000U	NEW-E	90-10-011	230-20-064	AMD-P	90-05-034	248-08-010	REP	90-06-018
220-56-380	AMD-P	90-02-112	230-20-064	AMD	90-10-007	248-08-020	REP	90-06-018
220-56-380	AMD	90-06-026	230-20-325	AMD	90-05-032	248-08-030	REP	90-06-018
220-56-38000F	NEW-E	90-03-007	230-20-325	AMD-W	90-10-098	248-08-040	REP	90-06-018
220-56-38000F	REP-E	90-03-027	230-20-698	NEW	90-05-033	248-08-050	REP	90-06-018
220-56-38000G	NEW-E	90-03-027	230-30-052	NEW-P	90-05-034	248-08-060	REP	90-06-018
220-56-38000G	REP-E	90-04-041	230-30-052	NEW	90-10-007	248-08-070	REP	90-06-018
220-56-38000H	NEW	90-04-041	230-30-070	AMD	90-05-032	248-08-075	REP	90-06-018
220-56-400	AMD-P	90-02-112	230-30-070	AMD-E	90-06-020	248-08-080	REP	90-06-018
220-56-400	AMD	90-06-026	230-30-070	AMD-P	90-06-021	248-08-090	REP	90-06-018
220-57	AMD-C	90-06-025	230-40-010	AMD	90-05-032	248-08-100	REP	90-06-018
220-57	AMD-C	90-06-042	230-40-120	AMD	90-05-032	248-08-110	REP	90-06-018
220-57-140	AMD-P	90-02-112	230-40-125	NEW	90-05-032	248-08-120	REP	90-06-018
220-57-140	AMD	90-06-026	230-40-125	AMD-E	90-07-019	248-08-130	REP	90-06-018
220-57-160	AMD-P	90-02-112	230-40-125	AMD-P	90-07-022	248-08-140	REP	90-06-018
220-57-160	AMD	90-06-026	230-46-025	NEW-P	90-10-008	248-08-150	REP	90-06-018
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220-57-220	AMD-P	90-02-112	230-50-012	AMD-E	90-03-061	248-08-170	REP	90-06-018
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248-08-220	REP	90-06-018	248-08-820	REP	90-06-018	248-33-060	REP	90-05-038
248-08-230	REP	90-06-018	248-08-825	REP	90-06-018	248-33-080	REP	90-05-038
248-08-240	REP	90-06-018	248-08-830	REP	90-06-018	248-36-025	AMD	90-06-019
248-08-250	REP	90-06-018	248-08-835	REP	90-06-018	248-36-035	AMD	90-06-019
248-08-260	REP	90-06-018	248-08-840	REP	90-06-018	248-36-045	AMD	90-06-019
248-08-270	REP	90-06-018	248-08-845	REP	90-06-018	248-36-055	AMD	90-06-019
248-08-280	REP	90-06-018	248-14-070	AMD-C	90-04-015	248-55-220	AMD	90-06-019
248-08-290	REP	90-06-018	248-14-070	AMD	90-04-071	248-55-230	REP	90-06-019
248-08-300	REP	90-06-018	248-15-110	AMD	90-06-019	248-55-235	NEW	90-06-019
248-08-310	REP	90-06-018	248-16-031	AMD	90-06-019	248-55-240	AMD	90-06-019
248-08-320	REP	90-06-018	248-17-060	AMD	90-06-019	248-55-250	REP	90-06-019
248-08-330	REP	90-06-018	248-17-230	AMD	90-06-019	248-55-260	REP	90-06-019
248-08-340	REP	90-06-018	248-18-010	AMD-P	90-08-099	248-58-085	NEW	90-06-049
248-08-350	REP	90-06-018	248-18-015	AMD	90-06-019	248-59-030	AMD	90-06-019
248-08-360	REP	90-06-018	248-18-018	AMD-P	90-08-099	248-59-040	REP	90-06-019
248-08-370	REP	90-06-018	248-18-020	AMD-P	90-08-099	248-59-050	REP	90-06-019
248-08-380	REP	90-06-018	248-18-221	AMD-P	90-08-099	248-59-060	REP	90-06-019
248-08-390	REP	90-06-018	248-18-245	AMD-P	90-08-099	248-59-070	REP	90-06-019
248-08-400	REP	90-06-018	248-18-510	AMD-P	90-08-099	248-59-080	REP	90-06-019
248-08-410	AMD	90-06-018	248-18-520	AMD-P	90-08-099	248-63-025	AMD	90-06-049
248-08-413	NEW	90-06-018	248-18-525	AMD-P	90-08-099	248-91-060	AMD	90-06-019
248-08-420	REP	90-06-018	248-18-530	AMD-P	90-08-099	248-97-130	AMD	90-06-049
248-08-425	NEW	90-06-018	248-18-534	AMD-P	90-08-099	248-97-135	NEW	90-06-049
248-08-428	NEW	90-06-018	248-18-555	AMD-P	90-08-099	248-98-001	AMD-P	90-02-072
248-08-430	REP	90-06-018	248-18-560	AMD-P	90-08-099	248-98-001	AMD	90-07-010
248-08-431	NEW	90-06-018	248-18-565	AMD-P	90-08-099	248-98-003	NEW-P	90-02-072
248-08-434	NEW	90-06-018	248-18-568	AMD-P	90-08-099	248-98-003	NEW	90-07-010
248-08-437	NEW	90-06-018	248-18-640	AMD-P	90-08-099	248-98-005	NEW-P	90-02-072
248-08-440	AMD	90-06-018	248-18-645	AMD-P	90-08-099	248-98-005	NEW	90-07-010
248-08-446	NEW	90-06-018	248-18-650	AMD-P	90-08-099	248-98-010	AMD-P	90-02-072
248-08-449	NEW	90-06-018	248-18-660	AMD-P	90-08-099	248-98-010	AMD	90-07-010
248-08-450	REP	90-06-018	248-18-665	AMD-P	90-08-099	248-98-015	NEW-P	90-02-072
248-08-452	NEW	90-06-018	248-18-675	AMD-P	90-08-099	248-98-015	NEW	90-07-010
248-08-460	REP	90-06-018	248-18-680	AMD-P	90-08-099	248-98-020	AMD-P	90-02-072
248-08-461	NEW	90-06-018	248-18-685	AMD-P	90-08-099	248-98-020	AMD	90-07-010
248-08-464	NEW	90-06-018	248-18-690	AMD-P	90-08-099	248-98-025	NEW-P	90-02-072
248-08-470	AMD	90-06-018	248-18-695	AMD-P	90-08-099	248-98-025	NEW	90-07-010
248-08-480	REP	90-06-018	248-18-705	AMD-P	90-08-099	248-98-030	AMD-P	90-02-072
248-08-490	REP	90-06-018	248-18-719	AMD-P	90-08-099	248-98-030	AMD	90-07-010
248-08-500	REP	90-06-018	248-18-99902	AMD-P	90-08-099	248-98-035	NEW-P	90-02-072
248-08-510	REP	90-06-018	248-19-220	AMD	90-02-093	248-98-035	NEW	90-07-010
248-08-515	NEW	90-06-018	248-19-373	REP-P	90-08-105	248-98-040	AMD-P	90-02-072
248-08-520	REP	90-06-018	248-19-375	REP-P	90-08-105	248-98-040	AMD	90-07-010
248-08-525	NEW	90-06-018	248-19-403	REP-P	90-08-105	248-98-045	NEW-P	90-02-072
248-08-530	REP	90-06-018	248-19-480	AMD	90-06-019	248-98-045	NEW	90-07-010
248-08-535	NEW	90-06-018	248-19-600	NEW-P	90-10-022	248-98-050	AMD-P	90-02-072
248-08-540	REP	90-06-018	248-19-800	NEW-P	90-08-102	248-98-050	AMD	90-07-010
248-08-545	NEW	90-06-018	248-19-805	NEW-P	90-08-102	248-98-060	AMD-P	90-02-072
248-08-550	REP	90-06-018	248-19-806	NEW-P	90-08-102	248-98-060	AMD	90-07-010
248-08-560	REP	90-06-018	248-19-810	NEW-P	90-08-105	248-98-080	AMD-P	90-02-072
248-08-565	NEW	90-06-018	248-19-811	NEW-P	90-08-105	248-98-080	AMD	90-07-010
248-08-570	REP	90-06-018	248-19-820	NEW-P	90-08-105	248-98-085	NEW-P	90-02-072
248-08-575	NEW	90-06-018	248-19-840	NEW-P	90-08-105	248-98-085	NEW	90-07-010
248-08-580	REP	90-06-018	248-19-860	NEW-P	90-08-105	248-98-090	AMD-P	90-02-072
248-08-590	REP	90-06-018	248-19-880	NEW-P	90-08-103	248-98-090	AMD	90-07-010
248-08-700	REP	90-06-018	248-19-880	NEW-W	90-10-083	248-98-095	NEW-P	90-02-072
248-08-705	REP	90-06-018	248-19-882	NEW-P	90-08-103	248-98-095	NEW	90-07-010
248-08-710	REP	90-06-018	248-19-882	NEW-W	90-10-083	248-98-098	NEW-P	90-02-072
248-08-715	REP	90-06-018	248-19-884	NEW-P	90-08-103	248-98-098	NEW	90-07-010
248-08-720	REP	90-06-018	248-19-884	NEW-W	90-10-083	248-98-100	AMD-P	90-02-072
248-08-725	REP	90-06-018	248-19-886	NEW-P	90-08-103	248-98-100	AMD	90-07-010
248-08-730	REP	90-06-018	248-19-886	NEW-W	90-10-083	248-98-102	NEW-P	90-02-072
248-08-735	REP	90-06-018	248-21-005	AMD	90-05-038	248-98-102	NEW	90-07-010
248-08-740	REP	90-06-018	248-22-005	AMD	90-06-019	248-98-104	NEW-P	90-02-072
248-08-750	REP	90-06-018	248-23-010	AMD	90-06-019	248-98-104	NEW	90-07-010
248-08-755	REP	90-06-018	248-25-010	AMD	90-06-019	248-98-110	AMD-P	90-02-072
248-08-760	REP	90-06-018	248-26-020	AMD	90-06-019	248-98-110	AMD	90-07-010
248-08-765	REP	90-06-018	248-27-025	AMD	90-06-019	248-98-120	AMD-P	90-02-072
248-08-770	REP	90-06-018	248-27-035	AMD	90-06-019	248-98-120	AMD	90-07-010
248-08-775	REP	90-06-018	248-27-045	AMD	90-06-019	248-98-130	NEW-P	90-02-072
248-08-780	REP	90-06-018	248-27-055	AMD	90-06-019	248-98-130	NEW	90-07-010
248-08-785	REP	90-06-018	248-29-020	AMD	90-06-019	248-98-135	NEW-P	90-02-072
248-08-790	REP	90-06-018	248-31-025	AMD	90-06-019	248-98-135	NEW	90-07-010
248-08-800	REP	90-06-018	248-31-035	AMD	90-06-019	248-98-998	NEW-P	90-02-072
248-08-805	REP	90-06-018	248-31-045	AMD	90-06-019	248-98-998	NEW	90-07-010

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-98-999	REP-P	90-02-072	250-71-065	NEW-E	90-10-002	275-56-190	REP	90-03-113
248-98-999	REP	90-07-010	250-71-070	NEW-E	90-10-002	275-56-195	AMD	90-03-113
248-100-016	AMD-P	90-02-095	250-71-075	NEW-E	90-10-002	275-56-200	AMD	90-03-113
248-100-016	AMD	90-07-033	251-01-180	AMD-P	90-09-075	275-56-205	AMD	90-03-113
248-100-021	AMD-P	90-06-063	251-04-040	AMD	90-06-023	275-56-210	AMD	90-03-113
248-100-021	AMD	90-10-036	251-09-085	NEW-W	90-06-082	275-56-215	AMD	90-03-113
248-100-086	AMD-P	90-06-063	251-09-090	AMD-C	90-06-083	275-56-220	AMD	90-03-113
248-100-086	AMD	90-10-036	251-09-090	AMD	90-10-044	275-56-225	AMD	90-03-113
248-100-217	NEW-P	90-06-063	251-09-092	NEW-C	90-06-083	275-56-230	AMD	90-03-113
248-100-217	NEW	90-10-036	251-09-092	NEW	90-10-044	275-56-235	AMD	90-03-113
248-106-001	NEW	90-02-094	251-09-094	NEW-C	90-06-083	275-56-240	AMD	90-03-113
248-106-010	NEW	90-02-094	251-09-094	NEW	90-10-044	275-56-245	AMD	90-03-113
248-106-020	NEW	90-02-094	251-12-073	AMD-P	90-09-076	275-56-250	REP	90-03-113
248-106-030	NEW-P	90-08-104	251-12-085	AMD-P	90-09-074	275-56-255	REP	90-03-113
248-140-200	AMD	90-05-038	251-12-099	NEW-P	90-09-074	275-56-260	AMD	90-03-113
248-144-031	AMD	90-06-049	251-22-165	AMD-P	90-09-075	275-56-265	REP	90-03-113
248-170-001	NEW	90-04-082	260-36-190	NEW-E	90-09-010	275-56-270	REP	90-03-113
248-170-020	NEW	90-04-082	260-36-200	NEW-E	90-09-010	275-56-275	AMD	90-03-113
248-170-100	NEW	90-04-082	275-16-055	AMD-C	90-04-019	275-56-280	REP	90-03-113
248-170-130	NEW	90-04-082	275-16-055	AMD	90-04-075	275-56-285	AMD	90-03-113
248-170-160	NEW	90-04-082	275-19-050	AMD-C	90-04-017	275-56-290	AMD	90-03-113
248-170-200	NEW	90-04-082	275-19-050	AMD	90-04-073	275-56-295	AMD	90-03-113
248-170-300	NEW	90-04-082	275-20-080	AMD-C	90-04-018	275-56-300	AMD	90-03-113
248-170-320	NEW	90-04-082	275-20-080	AMD	90-04-074	275-56-305	AMD	90-03-113
248-180-010	NEW	90-03-052	275-26-022	AMD-C	90-04-018	275-56-310	REP	90-03-113
248-180-020	NEW	90-03-052	275-26-022	AMD	90-04-074	275-56-315	REP	90-03-113
248-320-340	NEW	90-06-018	275-27-500	AMD-C	90-04-018	275-56-320	REP	90-03-113
248-320-350	NEW	90-06-018	275-27-500	AMD	90-04-074	275-56-325	REP	90-03-113
248-320-360	NEW	90-06-018	275-36-310	AMD-C	90-04-018	275-56-330	REP	90-03-113
248-320-370	NEW	90-06-018	275-36-310	AMD	90-04-074	275-56-335	AMD	90-03-113
248-320-400	NEW	90-06-018	275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113
248-320-410	NEW	90-06-018	275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113
248-320-500	NEW	90-06-018	275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113
248-554-030	AMD-C	90-04-016	275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113
248-554-030	AMD	90-04-072	275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113
250-20-001	AMD	90-04-067	275-56-016	NEW	90-03-113	275-56-365	AMD	90-03-113
250-20-011	AMD	90-04-067	275-56-017	NEW	90-03-113	275-56-370	REP	90-03-113
250-20-015	AMD	90-04-067	275-56-020	AMD	90-03-113	275-56-375	REP	90-03-113
250-20-021	AMD	90-04-067	275-56-025	AMD	90-03-113	275-56-380	REP	90-03-113
250-20-031	AMD	90-04-067	275-56-030	REP	90-03-113	275-56-385	AMD	90-03-113
250-20-037	NEW	90-04-067	275-56-035	AMD	90-03-113	275-56-390	REP	90-03-113
250-20-041	AMD	90-04-067	275-56-040	AMD	90-03-113	275-56-395	REP	90-03-113
250-20-051	AMD	90-04-067	275-56-042	NEW	90-03-113	275-56-400	AMD	90-03-113
250-20-071	AMD	90-04-067	275-56-043	NEW	90-03-113	275-56-405	REP	90-03-113
250-69-010	NEW-P	90-04-068	275-56-050	AMD	90-03-113	275-56-410	REP	90-03-113
250-69-010	NEW	90-09-003	275-56-055	AMD	90-03-113	275-56-415	REP	90-03-113
250-69-020	NEW-P	90-04-068	275-56-060	AMD	90-03-113	275-56-420	REP	90-03-113
250-69-020	NEW	90-09-003	275-56-065	AMD	90-03-113	275-56-425	AMD	90-03-113
250-69-030	NEW-P	90-04-068	275-56-070	AMD	90-03-113	275-56-430	REP	90-03-113
250-69-030	NEW	90-09-003	275-56-075	AMD	90-03-113	275-56-435	REP	90-03-113
250-69-040	NEW-P	90-04-068	275-56-080	AMD	90-03-113	275-56-440	REP	90-03-113
250-69-040	NEW	90-09-003	275-56-085	AMD	90-03-113	275-56-445	AMD	90-03-113
250-69-050	NEW-P	90-04-068	275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113
250-69-050	NEW	90-09-003	275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113
250-69-060	NEW-P	90-04-068	275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113
250-69-060	NEW	90-09-003	275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113
250-69-070	NEW-P	90-04-068	275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113
250-69-070	NEW	90-09-003	275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113
250-69-080	NEW-P	90-04-068	275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113
250-69-080	NEW	90-09-003	275-56-100	AMD	90-03-113	284-12-010	REP	90-04-060
250-69-090	NEW-P	90-04-068	275-56-105	AMD	90-03-113	284-12-030	REP	90-04-060
250-69-090	NEW	90-09-003	275-56-110	AMD	90-03-113	284-12-040	REP	90-04-060
250-69-100	NEW-P	90-04-068	275-56-115	AMD	90-03-113	284-12-080	AMD	90-04-042
250-69-100	NEW	90-09-003	275-56-120	REP	90-03-113	284-17-121	NEW	90-04-060
250-69-110	NEW-P	90-04-068	275-56-125	REP	90-03-113	284-17-122	NEW	90-04-060
250-69-110	NEW	90-09-003	275-56-130	REP	90-03-113	284-17-123	NEW	90-04-060
250-71-010	NEW-E	90-10-002	275-56-135	AMD	90-03-113	284-24-015	AMD-P	90-10-056
250-71-015	NEW-E	90-10-002	275-56-140	REP	90-03-113	284-24-055	NEW-P	90-10-056
250-71-020	NEW-E	90-10-002	275-56-145	REP	90-03-113	284-24-060	AMD-P	90-10-056
250-71-025	NEW-E	90-10-002	275-56-150	AMD	90-03-113	284-24-100	AMD-P	90-10-056
250-71-030	NEW-E	90-10-002	275-56-155	REP	90-03-113	284-55-010	REP-P	90-04-089
250-71-035	NEW-E	90-10-002	275-56-160	REP	90-03-113	284-55-020	REP-P	90-04-089
250-71-040	NEW-E	90-10-002	275-56-165	REP	90-03-113	284-55-030	REP-P	90-04-089
250-71-045	NEW-E	90-10-002	275-56-170	AMD	90-03-113	284-55-035	REP-P	90-04-089
250-71-050	NEW-E	90-10-002	275-56-175	AMD	90-03-113	284-55-040	REP-P	90-04-089
250-71-055	NEW-E	90-10-002	275-56-180	AMD	90-03-113	284-55-045	REP-P	90-04-089
250-71-060	NEW-E	90-10-002	275-56-185	AMD	90-03-113	284-55-050	REP-P	90-04-089

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-55-060	REP-P	90-04-089	284-66-310	NEW-P	90-04-089	292-12-180	NEW	90-10-059
284-55-065	REP-P	90-04-089	284-66-310	NEW	90-07-059	296-04-001	AMD-P	90-06-103
284-55-067	REP-P	90-04-089	284-66-320	NEW-P	90-04-089	296-04-001	AMD-S	90-07-084
284-55-070	REP-P	90-04-089	284-66-320	NEW	90-07-059	296-04-040	AMD	90-10-021
284-55-080	REP-P	90-04-089	284-66-330	NEW-P	90-04-089	296-04-042	NEW-P	90-06-104
284-55-090	REP-P	90-04-089	284-66-330	NEW	90-07-059	296-04-042	NEW-S	90-07-085
284-55-095	REP-P	90-04-089	284-66-340	NEW-P	90-04-089	296-04-160	AMD-P	90-06-103
284-55-115	REP-P	90-04-089	284-66-340	NEW	90-07-059	296-04-160	AMD-S	90-07-084
284-55-120	REP-P	90-04-089	284-66-350	NEW-P	90-04-089	296-04-270	AMD	90-10-020
284-55-125	REP-P	90-04-089	284-66-350	NEW	90-07-059	296-04-340	AMD	90-10-019
284-55-150	REP-P	90-04-089	284-66-400	NEW-P	90-04-089	296-04-350	AMD	90-10-019
284-55-155	REP-P	90-04-089	284-66-400	NEW	90-07-059	296-04-370	AMD	90-10-019
284-55-160	REP-P	90-04-089	292-08-010	NEW-P	90-03-095	296-06-010	AMD-P	90-02-089
284-55-165	REP-P	90-04-089	292-08-010	NEW-E	90-08-077	296-06-010	AMD	90-07-004
284-55-172	REP-P	90-04-089	292-08-010	NEW	90-10-059	296-06-020	AMD-P	90-02-089
284-55-177	REP-P	90-04-089	292-08-020	NEW-P	90-03-095	296-06-020	AMD	90-07-004
284-55-180	REP-P	90-04-089	292-08-020	NEW-E	90-08-077	296-06-030	AMD-P	90-02-089
284-55-185	REP-P	90-04-089	292-08-020	NEW	90-10-059	296-06-030	AMD	90-07-004
284-55-190	REP-P	90-04-089	292-08-030	NEW-P	90-03-095	296-06-040	AMD-P	90-02-089
284-55-205	REP-P	90-04-089	292-08-030	NEW-E	90-08-077	296-06-040	AMD	90-07-004
284-55-210	REP-P	90-04-089	292-08-030	NEW	90-10-059	296-06-080	AMD-P	90-02-089
284-66-010	NEW-P	90-04-089	292-08-040	NEW-P	90-03-095	296-06-080	AMD	90-07-004
284-66-010	NEW	90-07-059	292-08-040	NEW-E	90-08-077	296-06-080	AMD	90-07-004
284-66-020	NEW-P	90-04-089	292-08-040	NEW	90-10-059	296-06-090	AMD-P	90-02-089
284-66-020	NEW	90-07-059	292-08-040	NEW	90-10-059	296-06-090	AMD	90-07-004
284-66-030	NEW-P	90-04-089	292-08-050	NEW-P	90-03-095	296-06-100	AMD-P	90-02-089
284-66-030	NEW	90-07-059	292-08-050	NEW-E	90-08-077	296-06-100	AMD	90-07-004
284-66-040	NEW-P	90-04-089	292-12-010	NEW-P	90-03-095	296-06-110	AMD-P	90-02-089
284-66-040	NEW	90-07-059	292-12-010	NEW-E	90-08-077	296-06-110	AMD	90-07-004
284-66-050	NEW-P	90-04-089	292-12-010	NEW	90-10-059	296-06-120	AMD-P	90-02-089
284-66-050	NEW	90-07-059	292-12-020	NEW-P	90-03-095	296-06-120	AMD	90-07-004
284-66-060	NEW-P	90-04-089	292-12-020	NEW-E	90-08-077	296-06-130	AMD-P	90-02-089
284-66-060	NEW	90-07-059	292-12-020	NEW	90-10-059	296-06-130	AMD	90-07-004
284-66-070	NEW-P	90-04-089	292-12-030	NEW-P	90-03-095	296-06-140	AMD-P	90-02-089
284-66-070	NEW	90-07-059	292-12-030	NEW-E	90-08-077	296-06-140	AMD	90-07-004
284-66-080	NEW-P	90-04-089	292-12-030	NEW	90-10-059	296-06-150	AMD-P	90-02-089
284-66-080	NEW	90-07-059	292-12-040	NEW-P	90-03-095	296-06-150	AMD	90-07-004
284-66-090	NEW-P	90-04-089	292-12-040	NEW-E	90-08-077	296-06-170	AMD-P	90-02-089
284-66-090	NEW	90-07-059	292-12-040	NEW	90-10-059	296-06-170	AMD	90-07-004
284-66-100	NEW-P	90-04-089	292-12-050	NEW-P	90-03-095	296-06-990	REP-P	90-02-089
284-66-100	NEW	90-07-059	292-12-050	NEW-E	90-08-077	296-06-990	REP	90-07-004
284-66-110	NEW-P	90-04-089	292-12-050	NEW	90-10-059	296-06-99001	REP-P	90-02-089
284-66-110	NEW	90-07-059	292-12-060	NEW-P	90-03-095	296-06-99001	REP	90-07-004
284-66-120	NEW-P	90-04-089	292-12-060	NEW-E	90-08-077	296-14-400	AMD	90-04-007
284-66-120	NEW	90-07-059	292-12-060	NEW	90-10-059	296-15-020	AMD-P	90-09-071
284-66-130	NEW-P	90-04-089	292-12-060	NEW	90-10-059	296-15-070	AMD-P	90-09-072
284-66-130	NEW	90-07-059	292-12-070	NEW-P	90-03-095	296-17-350	AMD-P	90-08-092
284-66-140	NEW-P	90-04-089	292-12-070	NEW-E	90-08-077	296-17-45002	AMD-P	90-08-092
284-66-140	NEW	90-07-059	292-12-070	NEW	90-10-059	296-17-45003	AMD-P	90-08-092
284-66-150	NEW-P	90-04-089	292-12-080	NEW-P	90-03-095	296-17-50904	AMD-P	90-08-092
284-66-150	NEW	90-07-059	292-12-080	NEW-E	90-08-077	296-17-519	AMD-P	90-08-092
284-66-160	NEW-P	90-04-089	292-12-080	NEW	90-10-059	296-17-532	AMD-P	90-08-092
284-66-160	NEW	90-07-059	292-12-090	NEW-P	90-03-095	296-17-57602	AMD-P	90-08-092
284-66-170	NEW-P	90-04-089	292-12-090	NEW-E	90-08-077	296-17-590	AMD-P	90-08-092
284-66-170	NEW	90-07-059	292-12-090	NEW	90-10-059	296-17-592	AMD-P	90-08-092
284-66-180	NEW-P	90-04-089	292-12-110	NEW-P	90-03-095	296-17-59202	NEW-P	90-08-092
284-66-180	NEW	90-07-059	292-12-110	NEW-E	90-08-077	296-17-631	AMD-P	90-08-092
284-66-190	NEW-P	90-04-089	292-12-110	NEW	90-10-059	296-17-634	AMD-P	90-08-092
284-66-190	NEW	90-07-059	292-12-120	NEW-P	90-03-095	296-17-679	AMD-P	90-08-092
284-66-200	NEW-P	90-04-089	292-12-120	NEW-E	90-08-077	296-17-870	AMD-P	90-08-092
284-66-200	NEW	90-07-059	292-12-120	NEW	90-10-059	296-17-87308	AMD-P	90-08-092
284-66-210	NEW-P	90-04-089	292-12-130	NEW-P	90-03-095	296-17-885	AMD-P	90-08-092
284-66-210	NEW	90-07-059	292-12-130	NEW-E	90-08-077	296-17-885	AMD-P	90-08-092
284-66-220	NEW-P	90-04-089	292-12-140	NEW	90-10-059	296-18A-440	AMD-P	90-09-072
284-66-220	NEW	90-07-059	292-12-140	NEW-P	90-03-095	296-18A-450	AMD-P	90-09-072
284-66-230	NEW-P	90-04-089	292-12-140	NEW-E	90-08-077	296-18A-480	AMD-P	90-09-072
284-66-230	NEW	90-07-059	292-12-150	NEW	90-10-059	296-18A-500	AMD-P	90-09-072
284-66-240	NEW-P	90-04-089	292-12-150	NEW-P	90-03-095	296-18A-510	AMD-P	90-09-072
284-66-240	NEW	90-07-059	292-12-150	NEW-E	90-08-077	296-18A-515	NEW-P	90-09-072
284-66-250	NEW-P	90-04-089	292-12-160	NEW	90-10-059	296-18A-520	AMD-P	90-09-072
284-66-250	NEW	90-07-059	292-12-160	NEW-P	90-03-095	296-20-010	AMD	90-04-057
284-66-260	NEW-P	90-04-089	292-12-160	NEW-E	90-08-077	296-20-01002	AMD	90-04-057
284-66-260	NEW	90-07-059	292-12-170	NEW	90-10-059	296-20-01002	AMD-P	90-09-072
284-66-270	NEW-P	90-04-089	292-12-170	NEW-P	90-03-095	296-20-015	AMD	90-04-057
284-66-270	NEW	90-07-059	292-12-170	NEW-E	90-08-077	296-20-02001	AMD	90-04-057
284-66-300	NEW-P	90-04-089	292-12-180	NEW	90-10-059	296-20-02010	AMD	90-04-057
284-66-300	NEW	90-07-059	292-12-180	NEW-P	90-03-095	296-20-022	AMD	90-04-057
				NEW-E	90-08-077	296-20-024	AMD	90-04-057

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296-20-03001	AMD	90-04-057	296-62-07531	AMD-P	90-03-093	308-14-110	NEW	90-10-009
296-20-045	AMD	90-04-057	296-62-07531	AMD	90-09-026	308-14-200	NEW-P	90-05-058
296-20-075	AMD	90-04-057	296-62-07540	AMD	90-03-029	308-14-200	NEW	90-10-009
296-20-1103	AMD-P	90-09-072	296-62-07544	AMD	90-03-029	308-20-107	AMD-P	90-03-018
296-20-124	AMD	90-04-007	296-62-3110	AMD-P	90-03-093	308-20-107	AMD	90-07-030
296-20-680	AMD	90-04-007	296-62-3110	AMD	90-09-026	308-20-140	AMD-P	90-03-018
296-23A-150	AMD	90-04-057	296-99-015	AMD	90-03-029	308-20-140	AMD	90-07-030
296-23A-170	AMD	90-04-057	296-99-050	AMD	90-03-029	308-20-155	AMD-P	90-03-018
296-24-020	AMD	90-03-029	296-104-015	AMD-P	90-04-065	308-20-155	AMD	90-07-030
296-24-102	NEW	90-03-029	296-104-015	AMD	90-07-082	308-20-210	AMD-P	90-03-018
296-24-10203	NEW	90-03-029	296-104-195	NEW	90-04-009	308-20-210	AMD	90-07-030
296-24-12009	AMD	90-03-029	296-104-200	AMD	90-04-009	308-25-037	NEW-P	90-09-062
296-24-15001	AMD	90-03-029	296-116-075	AMD-P	90-10-060	308-25-038	NEW-P	90-09-062
296-24-16507	AMD	90-03-029	296-116-120	AMD-C	90-08-094	308-25-065	AMD	90-04-094
296-24-16515	AMD	90-03-029	296-116-120	AMD-W	90-09-016	308-25-290	NEW-P	90-10-037
296-24-16517	AMD	90-03-029	296-116-120	AMD-P	90-09-030	308-25-310	NEW-P	90-10-037
296-24-20503	AMD	90-03-029	296-116-130	REP-P	90-08-076	308-25-320	NEW-P	90-10-037
296-24-20700	AMD-P	90-03-093	296-116-185	AMD-P	90-03-096	308-25-330	NEW-P	90-10-037
296-24-20700	AMD	90-09-026	296-116-185	AMD	90-09-013	308-29-045	AMD-P	90-03-107
296-24-550	AMD	90-03-029	296-116-300	AMD-P	90-03-097	308-29-045	AMD	90-06-052
296-24-58513	AMD	90-03-029	296-116-300	AMD	90-08-095	308-30-030	AMD-P	90-03-107
296-24-75009	AMD	90-03-029	296-127-016	REP-E	90-08-061	308-30-040	AMD-P	90-03-107
296-24-76503	AMD	90-03-029	296-127-040	AMD-E	90-09-047	308-30-050	AMD-P	90-03-107
296-24-78007	AMD	90-03-029	296-127-045	AMD-E	90-09-047	308-30-060	AMD-P	90-03-107
296-24-81003	AMD	90-03-029	296-127-400	NEW-E	90-06-008	308-30-070	AMD-P	90-03-107
296-24-81005	AMD	90-03-029	296-127-410	NEW-E	90-06-008	308-30-080	AMD-P	90-03-107
296-24-82503	AMD	90-03-029	296-127-420	NEW-E	90-06-008	308-30-090	AMD-P	90-03-107
296-24-870	AMD-P	90-03-093	296-127-430	NEW-E	90-06-008	308-30-100	AMD-P	90-03-107
296-24-870	AMD	90-09-026	296-127-440	NEW-E	90-06-008	308-30-100	AMD	90-06-052
296-24-87001	AMD-P	90-03-093	296-127-450	NEW-E	90-06-008	308-31-210	NEW-P	90-06-064
296-24-87001	AMD	90-09-026	296-127-460	NEW-E	90-06-008	308-31-220	NEW-P	90-06-064
296-24-87003	REP-P	90-03-093	296-127-470	NEW-E	90-06-008	308-31-230	NEW-P	90-06-064
296-24-87003	REP	90-09-026	296-131	AMD-C	90-08-093	308-31-240	NEW-P	90-06-064
296-24-87005	REP-P	90-03-093	296-131-001	AMD-P	90-07-078	308-31-250	NEW-P	90-06-064
296-24-87005	REP	90-09-026	296-131-005	NEW-P	90-07-078	308-31-260	NEW-P	90-06-064
296-24-87007	REP-P	90-03-093	296-131-020	NEW-P	90-07-078	308-31-270	NEW-P	90-06-064
296-24-87007	REP	90-09-026	296-131-100	NEW-P	90-07-078	308-31-280	NEW-P	90-06-064
296-24-87009	AMD-P	90-03-093	296-131-105	NEW-P	90-07-078	308-32-090	AMD-P	90-03-107
296-24-87009	AMD	90-09-026	296-131-110	NEW-P	90-07-078	308-32-090	AMD	90-06-052
296-24-87011	NEW-P	90-03-093	296-131-115	NEW-P	90-07-078	308-33-105	AMD-P	90-03-107
296-24-87011	NEW	90-09-026	296-131-120	NEW-P	90-07-078	308-33-105	AMD	90-06-052
296-24-87013	NEW-P	90-03-093	296-131-125	NEW-P	90-07-078	308-34-170	AMD	90-04-094
296-24-87013	NEW	90-09-026	296-131-126	NEW-P	90-07-078	308-34-170	AMD-E	90-08-100
296-24-87015	NEW-P	90-03-093	296-131-130	NEW-P	90-07-078	308-34-170	AMD-P	90-08-101
296-24-87015	NEW	90-09-026	296-131-135	NEW-P	90-07-078	308-39-100	AMD-P	90-06-065
296-24-87017	NEW-P	90-03-093	296-131-140	NEW-P	90-07-078	308-39-110	AMD-P	90-06-065
296-24-87017	NEW	90-09-026	296-155-225	AMD-P	90-03-093	308-39-120	REP-P	90-06-065
296-24-87019	NEW-P	90-03-093	296-155-227	NEW-P	90-03-093	308-39-125	NEW-P	90-06-065
296-24-87019	NEW	90-09-026	296-155-480	AMD-P	90-03-093	308-39-130	NEW-P	90-06-065
296-24-87031	NEW-P	90-03-093	296-155-480	AMD	90-09-026	308-39-140	NEW-P	90-06-065
296-24-87031	NEW	90-09-026	296-155-485	AMD	90-03-029	308-39-150	NEW-P	90-06-065
296-24-87033	NEW-P	90-03-093	296-155-48533	AMD	90-03-029	308-39-160	NEW-P	90-06-065
296-24-87033	NEW	90-09-026	296-155-505	AMD	90-03-029	308-39-170	NEW-P	90-06-065
296-24-87035	NEW-P	90-03-093	296-155-675	AMD	90-03-029	308-39-180	NEW-P	90-06-065
296-24-87035	NEW	90-09-026	296-155-680	AMD	90-03-029	308-39-190	NEW-P	90-06-065
296-24-87037	NEW-P	90-03-093	296-155-690	AMD	90-03-029	308-39-200	NEW-P	90-06-065
296-24-87037	NEW	90-09-026	296-155-692	REP	90-03-029	308-39-210	NEW-P	90-06-065
296-52-417	AMD	90-03-029	296-155-694	AMD	90-03-029	308-39-220	NEW-P	90-06-101
296-52-419	AMD	90-03-029	296-155-697	AMD	90-03-029	308-40-107	NEW-P	90-04-085
296-52-461	AMD	90-03-029	296-155-725	AMD	90-03-029	308-40-107	NEW	90-08-011
296-52-473	REP	90-03-029	296-155-730	AMD	90-03-029	308-40-115	NEW-P	90-07-067
296-52-477	AMD	90-03-029	296-306	AMD-C	90-05-002	308-40-125	AMD-E	90-04-083
296-52-481	AMD	90-03-029	296-350-030	AMD-P	90-03-093	308-40-125	AMD	90-04-094
296-52-509	AMD	90-03-029	296-350-030	AMD	90-09-026	308-40-130	REP	90-05-039
296-52-510	NEW	90-03-029	308-11-030	AMD-P	90-03-107	308-40-135	NEW	90-05-039
296-54-569	AMD-P	90-03-093	308-11-030	AMD	90-06-052	308-40-150	NEW-P	90-07-068
296-54-569	AMD	90-09-026	308-12-031	AMD-P	90-06-066	308-40-151	NEW-P	90-07-068
296-62-07007	REP-P	90-03-093	308-12-320	PREP	90-05-041	308-40-152	NEW-P	90-07-068
296-62-07007	REP	90-09-026	308-12-326	AMD	90-03-032	308-42-045	AMD-P	90-04-095
296-62-07107	AMD-P	90-03-093	308-13-150	AMD	90-03-031	308-42-060	AMD-P	90-04-095
296-62-07107	AMD	90-09-026	308-14-080	NEW-P	90-05-058	308-42-145	AMD-P	90-04-095
296-62-07314	AMD	90-03-029	308-14-080	NEW	90-10-009	308-48-800	AMD-P	90-04-110
296-62-07507	AMD	90-03-029	308-14-090	NEW-P	90-05-058	308-48-800	AMD	90-07-024
296-62-07515	AMD	90-03-029	308-14-090	NEW	90-10-009	308-50-295	AMD-W	90-03-069
296-62-07517	AMD-P	90-03-093	308-14-100	NEW-P	90-05-058	308-50-295	AMD-P	90-08-107
296-62-07517	AMD	90-09-026	308-14-100	NEW	90-10-009	308-50-310	AMD-W	90-03-069
296-62-07521	AMD	90-03-029	308-14-110	NEW-P	90-05-058	308-50-310	AMD-P	90-08-107

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308-51-120	AMD-P	90-07-069	308-122-500	AMD-W	90-10-100	308-124H-060	REP	90-10-010
308-51-130	AMD-P	90-07-069	308-122-503	REP	90-05-015	308-124H-061	NEW-P	90-02-102
308-52-100	AMD	90-05-001	308-122-503	REP-E	90-05-017	308-124H-061	NEW-C	90-05-072
308-52-590	AMD-E	90-04-093	308-122-550	REP	90-05-015	308-124H-061	NEW	90-10-010
308-52-590	AMD-E	90-06-100	308-122-550	REP-E	90-05-017	308-124H-062	NEW-P	90-02-102
308-52-590	AMD-P	90-08-009	308-122-555	REP	90-05-015	308-124H-062	NEW-C	90-05-072
308-52-690	AMD-E	90-09-007	308-122-555	REP-E	90-05-017	308-124H-062	NEW	90-10-010
308-53-075	AMD-P	90-08-106	308-122-560	REP	90-05-015	308-124H-065	REP-P	90-02-102
308-53-084	AMD-P	90-08-106	308-122-560	REP-E	90-05-017	308-124H-065	REP-C	90-05-072
308-53-085	AMD-P	90-08-106	308-122-565	REP	90-05-015	308-124H-065	REP	90-10-010
308-54-315	AMD	90-04-094	308-122-565	REP-E	90-05-017	308-124H-070	REP-P	90-02-102
308-56A-420	AMD-P	90-06-022	308-122-570	REP	90-05-015	308-124H-070	REP-C	90-05-072
308-56A-420	AMD	90-10-013	308-122-570	REP-E	90-05-017	308-124H-070	REP	90-10-010
308-56A-500	NEW-P	90-06-015	308-122-575	REP	90-05-015	308-124H-210	NEW-C	90-05-072
308-56A-500	NEW-E	90-06-016	308-122-575	REP-E	90-05-017	308-124H-210	NEW	90-10-010
308-56A-505	NEW-P	90-06-015	308-122-580	REP	90-05-015	308-124H-220	NEW-C	90-05-072
308-56A-505	NEW-E	90-06-016	308-122-580	REP-E	90-05-017	308-124H-220	NEW	90-10-010
308-56A-510	NEW-P	90-06-015	308-124C-020	AMD-P	90-10-075	308-124H-230	NEW-C	90-05-072
308-56A-510	NEW-E	90-06-016	308-124E-014	AMD-P	90-02-103	308-124H-230	NEW	90-10-010
308-56A-515	NEW-P	90-06-015	308-124E-014	AMD-C	90-05-073	308-124H-240	NEW-C	90-05-072
308-56A-515	NEW-E	90-06-016	308-124E-014	AMD	90-09-014	308-124H-240	NEW	90-10-010
308-56A-520	NEW-P	90-06-015	308-124H	AMD-P	90-02-102	308-124H-250	NEW-C	90-05-072
308-56A-520	NEW-E	90-06-016	308-124H	AMD-C	90-05-072	308-124H-250	NEW	90-10-010
308-66-150	AMD-P	90-04-048	308-124H	AMD	90-10-010	308-124H-260	NEW-C	90-05-072
308-66-152	NEW-P	90-04-048	308-124H-011	NEW-P	90-02-102	308-124H-260	NEW	90-10-010
308-66-190	AMD-P	90-06-022	308-124H-011	NEW-C	90-05-072	308-124H-270	NEW-C	90-05-072
308-66-190	AMD	90-10-013	308-124H-011	NEW	90-10-010	308-124H-270	NEW	90-10-010
308-67-010	NEW	90-03-022	308-124H-020	REP-P	90-02-102	308-124H-280	NEW-C	90-05-072
308-72-509	NEW-P	90-08-116	308-124H-020	REP-C	90-05-072	308-124H-280	NEW	90-10-010
308-72-520	AMD-P	90-08-116	308-124H-020	REP	90-10-010	308-124H-290	NEW-C	90-05-072
308-72-540	AMD-P	90-08-116	308-124H-021	NEW-P	90-02-102	308-124H-290	NEW	90-10-010
308-72-542	NEW-P	90-08-116	308-124H-021	NEW-C	90-05-072	308-124H-300	NEW-C	90-05-072
308-72-570	AMD-P	90-08-116	308-124H-021	NEW	90-10-010	308-124H-300	NEW	90-10-010
308-72-690	AMD-P	90-08-116	308-124H-025	NEW-P	90-02-102	308-124H-310	NEW-C	90-05-072
308-77-034	AMD-P	90-08-117	308-124H-025	NEW-C	90-05-072	308-124H-310	NEW	90-10-010
308-77-040	AMD-P	90-08-117	308-124H-025	NEW	90-10-010	308-124H-320	NEW-C	90-05-072
308-77-120	AMD-P	90-08-117	308-124H-030	REP-P	90-02-102	308-124H-320	NEW	90-10-010
308-77-125	NEW-E	90-08-060	308-124H-030	REP-C	90-05-072	308-124H-330	NEW-C	90-05-072
308-77-125	NEW-P	90-08-119	308-124H-030	REP	90-10-010	308-124H-330	NEW	90-10-010
308-77-165	NEW-P	90-08-117	308-124H-033	REP-P	90-02-102	308-124H-340	NEW-C	90-05-072
308-78-010	AMD-P	90-08-118	308-124H-033	REP-C	90-05-072	308-124H-340	NEW	90-10-010
308-78-030	AMD-P	90-08-118	308-124H-033	REP	90-10-010	308-124H-510	NEW-C	90-05-072
308-78-040	AMD-P	90-08-118	308-124H-035	AMD-P	90-02-102	308-124H-510	NEW	90-10-010
308-78-070	AMD-P	90-08-118	308-124H-035	AMD-C	90-05-072	308-124H-520	NEW-C	90-05-072
308-91-010	AMD-P	90-10-091	308-124H-035	AMD	90-10-010	308-124H-520	NEW	90-10-010
308-91-030	AMD-P	90-10-091	308-124H-036	AMD-P	90-02-102	308-124H-530	NEW-C	90-05-072
308-91-040	AMD-P	90-10-091	308-124H-036	AMD-C	90-05-072	308-124H-530	NEW	90-10-010
308-91-050	AMD-P	90-10-091	308-124H-036	AMD	90-10-010	308-124H-540	NEW-C	90-05-072
308-91-060	AMD-P	90-10-091	308-124H-037	AMD-P	90-02-102	308-124H-540	NEW	90-10-010
308-91-070	AMD-P	90-10-091	308-124H-037	AMD-C	90-05-072	308-124H-550	NEW-C	90-05-072
308-91-080	AMD-P	90-10-091	308-124H-037	AMD	90-10-010	308-124H-550	NEW	90-10-010
308-91-090	AMD-P	90-10-091	308-124H-038	REP-P	90-02-102	308-124H-560	NEW-C	90-05-072
308-91-160	REP-P	90-10-091	308-124H-038	REP-C	90-05-072	308-124H-560	NEW	90-10-010
308-93-010	AMD	90-08-018	308-124H-038	REP	90-10-010	308-124H-570	NEW-C	90-05-072
308-93-050	AMD	90-08-018	308-124H-040	REP-P	90-02-102	308-124H-570	NEW	90-10-010
308-93-140	AMD	90-08-018	308-124H-040	REP-C	90-05-072	308-124H-580	NEW-C	90-05-072
308-93-660	NEW	90-08-018	308-124H-040	REP	90-10-010	308-124H-580	NEW	90-10-010
308-115-405	AMD	90-04-094	308-124H-041	NEW-P	90-02-102	308-124H-800	NEW-P	90-10-075
308-117-500	AMD	90-04-094	308-124H-041	NEW-C	90-05-072	308-124I-010	NEW-P	90-02-102
308-120-165	AMD	90-04-059	308-124H-041	NEW	90-10-010	308-124I-020	NEW-P	90-02-102
308-120-275	AMD	90-04-094	308-124H-043	REP-P	90-02-102	308-124I-030	NEW-P	90-02-102
308-120-620	NEW	90-04-059	308-124H-043	REP-C	90-05-072	308-124I-040	NEW-P	90-02-102
308-121-110	NEW-P	90-10-084	308-124H-043	REP	90-10-010	308-124I-050	NEW-P	90-02-102
308-121-120	NEW-P	90-10-084	308-124H-045	REP-P	90-02-102	308-124I-060	NEW-P	90-02-102
308-121-130	NEW-P	90-10-084	308-124H-045	REP-C	90-05-072	308-124I-070	NEW-P	90-02-102
308-121-140	NEW-P	90-10-084	308-124H-045	REP	90-10-010	308-124I-080	NEW-P	90-02-102
308-121-145	NEW-P	90-10-084	308-124H-050	REP-P	90-02-102	308-124I-090	NEW-P	90-02-102
308-121-150	NEW-P	90-10-084	308-124H-050	REP-C	90-05-072	308-124I-100	NEW-P	90-02-102
308-121-155	NEW-P	90-10-084	308-124H-050	REP	90-10-010	308-124I-110	NEW-P	90-02-102
308-121-160	NEW-P	90-10-084	308-124H-051	NEW-P	90-02-102	308-124I-120	NEW-P	90-02-102
308-121-165	NEW-P	90-10-084	308-124H-051	NEW-C	90-05-072	308-124I-130	NEW-P	90-02-102
308-121-170	NEW-P	90-10-084	308-124H-051	NEW	90-10-010	308-124J-140	NEW-P	90-02-102
308-121-175	NEW-P	90-10-084	308-124H-055	REP-P	90-02-102	308-124J-010	NEW-P	90-02-102
308-121-180	NEW-P	90-10-084	308-124H-055	REP-C	90-05-072	308-124J-020	NEW-P	90-02-102
308-122-275	AMD	90-04-094	308-124H-055	REP	90-10-010	308-124J-030	NEW-P	90-02-102
308-122-500	AMD-E	90-05-016	308-124H-060	REP-P	90-02-102	308-124J-040	NEW-P	90-02-102

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308-124J-050	NEW-P	90-02-102	308-320-020	NEW-E	90-02-061	316-55-090	RE-AD	90-06-047
308-124J-060	NEW-P	90-02-102	308-320-030	NEW	90-02-060	316-55-110	AMD-P	90-03-039
308-124J-070	NEW-P	90-02-102	308-320-030	NEW-E	90-02-061	316-55-110	AMD	90-06-047
308-124J-080	NEW-P	90-02-102	308-320-040	NEW	90-02-060	316-55-120	NEW-P	90-03-039
308-127-010	REP-P	90-04-088	308-320-040	NEW-E	90-02-061	316-55-120	NEW	90-06-047
308-127-010	REP	90-07-023	308-320-050	NEW	90-02-060	316-55-130	RE-AD-P	90-03-039
308-127-020	REP-P	90-04-088	308-320-050	NEW-E	90-02-061	316-55-130	RE-AD	90-06-047
308-127-020	REP	90-07-023	308-320-060	NEW	90-02-060	316-55-150	RE-AD-P	90-03-039
308-127-030	REP-P	90-04-088	308-320-060	NEW-E	90-02-061	316-55-150	RE-AD	90-06-047
308-127-030	REP	90-07-023	308-320-070	NEW	90-02-060	316-55-160	AMD-P	90-03-039
308-127-035	NEW-P	90-04-088	308-320-070	NEW-E	90-02-061	316-55-160	AMD	90-06-047
308-127-035	NEW	90-07-023	308-320-080	NEW	90-02-060	316-55-170	RE-AD-P	90-03-039
308-127-040	AMD-P	90-04-088	308-320-080	NEW-E	90-02-061	316-55-170	RE-AD	90-06-047
308-127-040	AMD	90-07-023	308-320-090	NEW	90-02-060	316-55-500	AMD-P	90-03-039
308-127-100	REP-P	90-04-088	308-320-090	NEW-E	90-02-061	316-55-500	AMD	90-06-047
308-127-100	REP	90-07-023	308-400-042	AMD	90-04-051	316-55-505	AMD-P	90-03-039
308-127-105	NEW-P	90-04-088	308-400-095	AMD	90-04-051	316-55-505	AMD	90-06-047
308-127-105	NEW	90-07-023	314-12-135	NEW-P	90-10-088	316-55-510	RE-AD-P	90-03-039
308-127-110	AMD-P	90-04-088	314-12-175	AMD-P	90-10-087	316-55-510	RE-AD	90-06-047
308-127-110	AMD	90-07-023	314-16-170	AMD-P	90-03-088	316-55-515	AMD-P	90-03-039
308-127-120	AMD-P	90-04-088	314-20-020	AMD-P	90-10-090	316-55-515	AMD	90-06-047
308-127-120	AMD	90-07-023	314-20-025	NEW-P	90-03-089	316-55-517	NEW-P	90-03-039
308-127-130	AMD-P	90-04-088	314-40-020	AMD-P	90-10-089	316-55-517	NEW	90-06-047
308-127-130	AMD	90-07-023	314-60-040	AMD	90-02-109	316-55-520	REP-P	90-03-039
308-127-140	AMD-P	90-04-088	315-04-132	AMD-P	90-07-086	316-55-520	REP	90-06-047
308-127-140	AMD	90-07-023	315-06-080	AMD-P	90-07-086	316-55-525	AMD-P	90-03-039
308-127-155	REP-P	90-04-088	315-08-010	NEW-P	90-07-086	316-55-525	AMD	90-06-047
308-127-155	REP	90-07-023	315-08-020	NEW-P	90-07-086	316-55-600	RE-AD-P	90-03-039
308-127-160	NEW-P	90-04-088	315-08-030	NEW-P	90-07-086	316-55-600	RE-AD	90-06-047
308-127-160	NEW	90-07-023	315-08-040	NEW-P	90-07-086	316-55-700	NEW-P	90-03-039
308-127-200	AMD-P	90-04-088	315-11-480	AMD	90-03-023	316-55-700	NEW	90-06-047
308-127-200	AMD	90-07-023	315-11-490	AMD	90-03-023	316-55-710	NEW-P	90-03-039
308-127-210	AMD-P	90-04-088	315-11-491	AMD	90-03-023	316-55-710	NEW	90-06-047
308-127-210	AMD	90-07-023	315-11-530	NEW-P	90-03-109	316-55-730	NEW-P	90-03-039
308-127-220	REP-P	90-04-088	315-11-530	NEW	90-06-060	316-55-730	NEW	90-06-047
308-127-220	REP	90-07-023	315-11-531	NEW-P	90-03-109	316-85-001	NEW-P	90-03-040
308-127-225	NEW-P	90-04-088	315-11-531	NEW	90-06-060	316-85-001	NEW	90-06-046
308-127-225	NEW	90-07-023	315-11-532	NEW-P	90-03-109	316-85-010	NEW-P	90-03-040
308-127-300	AMD-P	90-04-088	315-11-532	NEW	90-06-060	316-85-010	NEW	90-06-046
308-127-300	AMD	90-07-023	315-11-540	NEW-P	90-03-109	316-85-020	NEW-P	90-03-040
308-128B-060	REP	90-03-098	315-11-540	NEW	90-06-060	316-85-020	NEW	90-06-046
308-128B-080	AMD	90-03-099	315-11-541	NEW-P	90-03-109	316-85-030	NEW-P	90-03-040
308-138-080	AMD	90-04-094	315-11-541	NEW	90-06-060	316-85-030	NEW	90-06-046
308-152-030	AMD	90-04-094	315-11-542	NEW-P	90-03-109	316-85-040	NEW-P	90-03-040
308-152-030	AMD-P	90-08-009	315-11-542	NEW	90-06-060	316-85-040	NEW	90-06-046
308-171-001	AMD-P	90-04-096	315-11-550	NEW-P	90-07-086	316-85-050	NEW-P	90-03-040
308-171-010	AMD-P	90-04-096	315-11-551	NEW-P	90-07-086	316-85-050	NEW	90-06-046
308-171-020	AMD-P	90-04-096	315-11-552	NEW-P	90-07-086	316-85-060	NEW-P	90-03-040
308-171-041	NEW-P	90-04-096	315-33-010	NEW-P	90-03-109	316-85-060	NEW	90-06-046
308-173-130	AMD	90-04-094	315-33-010	NEW	90-06-060	316-85-070	NEW-P	90-03-040
308-173-210	NEW-P	90-10-084	315-33-020	NEW-P	90-03-109	316-85-070	NEW	90-06-046
308-173-220	NEW-P	90-10-084	315-33-020	NEW	90-06-060	316-85-080	NEW-P	90-03-040
308-173-230	NEW-P	90-10-084	315-33-030	NEW-P	90-03-109	316-85-080	NEW	90-06-046
308-173-240	NEW-P	90-10-084	315-33-030	NEW	90-06-060	316-85-090	NEW-P	90-03-040
308-173-245	NEW-P	90-10-084	315-33-040	NEW-P	90-03-109	316-85-090	NEW	90-06-046
308-173-250	NEW-P	90-10-084	315-33-040	NEW	90-06-060	316-85-100	NEW-P	90-03-040
308-173-255	NEW-P	90-10-084	315-33-050	NEW-P	90-03-109	316-85-100	NEW	90-06-046
308-173-260	NEW-P	90-10-084	315-33-050	NEW	90-06-060	326-30-030	AMD	90-06-040
308-173-265	NEW-P	90-10-084	315-33-060	NEW-P	90-03-109	326-30-03902	NEW	90-06-041
308-173-270	NEW-P	90-10-084	315-33-060	NEW	90-06-060	332-30-166	AMD	90-02-085
308-173-275	NEW-P	90-10-084	315-33-070	NEW-P	90-03-109	332-130-030	AMD-P	90-03-066
308-173-280	NEW-P	90-10-084	315-33-070	NEW	90-06-060	332-130-030	AMD	90-06-028
308-175-140	AMD	90-04-094	316-55-001	AMD-P	90-03-039	332-130-070	AMD-P	90-03-066
308-175-200	AMD-E	90-06-004	316-55-001	AMD	90-06-047	332-130-070	AMD	90-06-028
308-177-110	AMD	90-04-094	316-55-005	NEW-P	90-03-039	332-130-080	AMD-P	90-03-066
308-180-120	AMD-P	90-05-053	316-55-005	NEW	90-06-047	332-130-080	AMD	90-06-028
308-180-150	AMD-P	90-08-002	316-55-010	AMD-P	90-03-039	332-130-090	AMD-P	90-03-066
308-180-210	AMD-P	90-08-002	316-55-010	AMD	90-06-047	332-130-090	AMD	90-06-028
308-180-250	AMD-P	90-08-002	316-55-020	AMD-P	90-03-039	352-12-020	AMD-P	90-04-108
308-180-260	AMD-P	90-04-094	316-55-020	AMD	90-06-047	352-12-020	AMD	90-07-062
308-180-260	AMD-P	90-08-009	316-55-030	AMD-P	90-03-039	352-12-020	AMD-E	90-08-121
308-190-010	AMD	90-04-094	316-55-030	AMD	90-06-047	352-12-030	AMD-P	90-04-108
308-190-010	AMD-P	90-08-009	316-55-050	AMD-P	90-03-039	352-12-030	AMD	90-07-062
308-310-010	AMD	90-04-094	316-55-050	AMD	90-06-047	352-12-030	AMD-E	90-08-121
308-320-010	NEW	90-02-060	316-55-070	AMD-P	90-03-039	352-20-010	AMD-P	90-04-108
308-320-010	NEW-E	90-02-061	316-55-070	AMD	90-06-047	352-20-010	AMD	90-07-062
308-320-020	NEW	90-02-060	316-55-090	RE-AD-P	90-03-039	352-20-010	AMD-E	90-08-121

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352-20-050	AMD	90-07-062	352-37-080	NEW-E	90-06-006	352-66-120	NEW	90-07-051
352-20-050	AMD-E	90-08-121	352-37-080	NEW	90-07-050	352-75-010	NEW-P	90-06-110
352-32-010	AMD-P	90-04-108	352-37-090	NEW-P	90-04-106	352-75-010	NEW	90-10-052
352-32-010	AMD-W	90-07-064	352-37-090	NEW-E	90-06-006	352-75-020	NEW-P	90-06-110
352-32-045	AMD-P	90-04-108	352-37-090	NEW	90-07-050	352-75-020	NEW	90-10-052
352-32-045	AMD	90-07-062	352-37-100	NEW-P	90-04-106	352-75-030	NEW-P	90-06-110
352-32-045	AMD-E	90-08-121	352-37-100	NEW-E	90-06-006	352-75-030	NEW	90-10-052
352-32-050	AMD-P	90-04-108	352-37-100	NEW	90-07-050	352-75-040	NEW-P	90-06-110
352-32-050	AMD	90-07-062	352-37-110	NEW-P	90-04-106	352-75-040	NEW	90-10-052
352-32-050	AMD-E	90-08-121	352-37-110	NEW-E	90-06-006	352-75-050	NEW-P	90-06-110
352-32-235	AMD	90-04-025	352-37-110	NEW	90-07-050	352-75-050	NEW	90-10-052
352-32-250	AMD-P	90-04-108	352-37-120	NEW-P	90-04-106	352-75-060	NEW-P	90-06-110
352-32-250	AMD	90-07-062	352-37-120	NEW-E	90-06-006	352-75-060	NEW	90-10-052
352-32-250	AMD-E	90-08-121	352-37-120	NEW	90-07-050	352-75-070	NEW-P	90-06-110
352-32-25001	AMD-P	90-04-108	352-37-130	NEW-P	90-04-106	352-75-070	NEW	90-10-052
352-32-25001	AMD	90-07-062	352-37-130	NEW-E	90-06-006	352-75-080	NEW-P	90-06-110
352-32-25001	AMD-E	90-08-121	352-37-130	NEW	90-07-050	352-75-080	NEW	90-10-052
352-32-251	AMD	90-04-024	352-37-140	NEW-P	90-04-106	352-75-090	NEW-P	90-06-110
352-32-252	AMD-P	90-04-108	352-37-140	NEW-E	90-06-006	352-75-090	NEW	90-10-052
352-32-252	AMD	90-07-062	352-37-140	NEW	90-07-050	356-05-210	AMD	90-03-044
352-32-252	AMD-E	90-08-121	352-37-150	NEW-P	90-04-106	356-06-020	AMD-P	90-08-074
352-32-270	AMD-P	90-06-108	352-37-150	NEW-E	90-06-006	356-06-055	AMD-P	90-08-074
352-32-270	AMD	90-10-023	352-37-150	NEW	90-07-050	356-06-080	AMD-P	90-08-075
352-36-010	REP-P	90-06-109	352-37-160	NEW-P	90-04-106	356-07-030	AMD-C	90-03-048
352-36-010	REP	90-10-024	352-37-160	NEW-E	90-06-006	356-07-030	AMD	90-07-056
352-36-020	REP-P	90-06-109	352-37-160	NEW	90-07-050	356-14-240	AMD-P	90-03-102
352-36-020	REP	90-10-024	352-37-170	NEW-P	90-04-106	356-14-240	AMD-C	90-07-054
352-36-025	REP-P	90-06-109	352-37-170	NEW-E	90-06-006	356-14-240	AMD-C	90-10-015
352-36-025	REP	90-10-024	352-37-170	NEW	90-07-050	356-15-060	AMD-P	90-03-102
352-36-030	REP-P	90-06-109	352-37-180	NEW-P	90-04-106	356-15-060	AMD-C	90-07-054
352-36-030	REP	90-10-024	352-37-180	NEW-E	90-06-006	356-15-060	AMD-C	90-10-015
352-36-040	REP-P	90-06-109	352-37-180	NEW	90-07-050	356-15-125	AMD-P	90-03-102
352-36-040	REP	90-10-024	352-37-190	NEW-P	90-04-106	356-15-125	AMD-C	90-07-054
352-36-050	REP-P	90-06-109	352-37-190	NEW-E	90-06-006	356-15-125	AMD-C	90-10-015
352-36-050	REP	90-10-024	352-37-190	NEW	90-07-050	356-15-130	AMD-P	90-10-039
352-36-060	REP-P	90-06-109	352-37-200	NEW-P	90-04-106	356-22-010	AMD-C	90-03-047
352-36-060	REP	90-10-024	352-37-200	NEW-E	90-06-006	356-22-010	AMD	90-05-029
352-36-070	REP-P	90-06-109	352-37-200	NEW	90-07-050	356-22-070	AMD-P	90-08-072
352-36-070	REP	90-10-024	352-37-210	NEW-P	90-04-106	356-22-11001	REP-C	90-03-047
352-36-080	REP-P	90-06-109	352-37-210	NEW-E	90-06-006	356-22-11001	REP	90-05-029
352-36-080	REP	90-10-024	352-37-210	NEW	90-07-050	356-22-111	NEW-C	90-03-047
352-36-090	REP-P	90-06-109	352-64-020	AMD	90-04-064	356-22-111	NEW	90-05-029
352-36-090	REP	90-10-024	352-64-030	AMD	90-04-064	356-22-120	AMD-C	90-03-047
352-36-100	REP-P	90-06-109	352-64-040	AMD	90-04-064	356-22-120	AMD	90-05-029
352-36-100	REP	90-10-024	352-64-050	AMD	90-04-064	356-26-060	AMD-P	90-08-075
352-36-110	REP-P	90-06-109	352-64-060	AMD	90-04-064	356-30-145	AMD-C	90-03-045
352-36-110	REP	90-10-024	352-64-070	AMD	90-04-064	356-30-145	AMD-C	90-05-027
352-36-115	REP-P	90-06-109	352-64-080	AMD	90-04-064	356-30-145	AMD-C	90-07-055
352-36-115	REP	90-10-024	352-65-010	NEW-P	90-09-070	356-30-145	AMD-C	90-10-016
352-36-120	REP-P	90-06-109	352-65-020	NEW-P	90-09-070	356-30-180	AMD-C	90-03-045
352-36-120	REP	90-10-024	352-65-030	NEW-P	90-09-070	356-30-180	AMD-C	90-05-027
352-36-130	REP-P	90-06-109	352-65-040	NEW-P	90-09-070	356-30-180	AMD-C	90-07-055
352-36-130	REP	90-10-024	352-65-050	NEW-P	90-09-070	356-30-190	AMD-C	90-03-045
352-36-140	REP-P	90-06-109	352-65-060	NEW-P	90-09-070	356-30-190	AMD-C	90-05-027
352-36-140	REP	90-10-024	352-66-010	NEW-P	90-04-107	356-30-190	AMD-C	90-07-055
352-37-010	NEW-P	90-04-106	352-66-010	NEW	90-07-051	356-30-280	AMD-C	90-03-045
352-37-010	NEW-E	90-06-006	352-66-020	NEW-P	90-04-107	356-30-280	AMD-C	90-05-027
352-37-010	NEW	90-07-050	352-66-020	NEW	90-07-051	356-30-280	AMD-C	90-07-055
352-37-020	NEW-P	90-04-106	352-66-030	NEW-P	90-04-107	356-30-320	AMD-C	90-03-045
352-37-020	NEW-E	90-06-006	352-66-030	NEW	90-07-051	356-30-320	AMD	90-05-028
352-37-020	NEW	90-07-050	352-66-040	NEW-P	90-04-107	356-34-110	REP-P	90-03-101
352-37-030	NEW-P	90-04-106	352-66-040	NEW	90-07-051	356-34-110	REP-C	90-07-053
352-37-030	NEW-E	90-06-006	352-66-050	NEW-P	90-04-107	356-34-110	REP-E	90-10-017
352-37-030	NEW	90-07-050	352-66-050	NEW	90-07-051	356-34-110	REP	90-10-018
352-37-040	NEW-P	90-04-106	352-66-060	NEW-P	90-04-107	356-34-113	REP-P	90-03-101
352-37-040	NEW-E	90-06-006	352-66-060	NEW	90-07-051	356-34-113	REP-C	90-07-053
352-37-040	NEW	90-07-050	352-66-070	NEW-P	90-04-107	356-34-113	REP-E	90-10-017
352-37-050	NEW-P	90-04-106	352-66-070	NEW	90-07-051	356-34-113	REP	90-10-018
352-37-050	NEW-E	90-06-006	352-66-080	NEW-P	90-04-107	356-34-115	REP-P	90-03-101
352-37-050	NEW	90-07-050	352-66-080	NEW	90-07-051	356-34-115	REP-C	90-07-053
352-37-060	NEW-P	90-04-106	352-66-090	NEW-P	90-04-107	356-34-115	REP-E	90-10-017
352-37-060	NEW-E	90-06-006	352-66-090	NEW	90-07-051	356-34-115	REP	90-10-018
352-37-060	NEW	90-07-050	352-66-100	NEW-P	90-04-107	356-34-117	REP-P	90-03-101
352-37-070	NEW-P	90-04-106	352-66-100	NEW	90-07-051	356-34-117	REP-C	90-07-053
352-37-070	NEW-E	90-06-006	352-66-110	NEW-P	90-04-107	356-34-117	REP-E	90-10-017
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356-34-118	REP-C	90-07-053	356-42-055	AMD-P	90-03-104	388-08-416	REP-C	90-04-020
356-34-118	REP-E	90-10-017	356-42-055	AMD	90-08-020	388-08-416	REP	90-04-076
356-34-118	REP	90-10-018	356-42-056	NEW-P	90-03-103	388-08-425	NEW-C	90-04-020
356-34-119	REP-P	90-03-101	356-46-060	AMD-P	90-07-052	388-08-425	NEW	90-04-076
356-34-119	REP-C	90-07-053	356-46-135	NEW-P	90-08-071	388-08-428	NEW-C	90-04-020
356-34-119	REP-E	90-10-017	356-46-140	NEW-P	90-08-071	388-08-428	NEW	90-04-076
356-34-119	REP	90-10-018	356-46-145	NEW-P	90-08-071	388-08-431	NEW-C	90-04-020
356-34-130	REP-P	90-03-101	356-47-030	AMD-P	90-08-073	388-08-431	NEW	90-04-076
356-34-130	REP-C	90-07-053	356-47-090	AMD-P	90-08-070	388-08-434	NEW-C	90-04-020
356-34-130	REP-E	90-10-017	360-10-050	AMD-P	90-03-053	388-08-434	NEW	90-04-076
356-34-130	REP	90-10-018	360-15-010	NEW	90-03-054	388-08-435	REP-C	90-04-020
356-34-140	REP-P	90-03-101	360-15-020	NEW	90-03-054	388-08-435	REP	90-04-076
356-34-140	REP-C	90-07-053	360-15-030	NEW	90-03-054	388-08-437	NEW-C	90-04-020
356-34-140	REP-E	90-10-017	360-15-040	NEW	90-03-054	388-08-437	NEW	90-04-076
356-34-140	REP	90-10-018	360-15-050	NEW	90-03-054	388-08-440	NEW-C	90-04-020
356-34-160	REP-P	90-03-101	360-15-060	NEW	90-03-054	388-08-440	NEW	90-04-076
356-34-160	REP-C	90-07-053	360-15-070	NEW	90-03-054	388-08-446	NEW-C	90-04-020
356-34-160	REP-E	90-10-017	360-16A-010	NEW	90-03-055	388-08-446	NEW	90-04-076
356-34-160	REP	90-10-018	360-16A-020	NEW	90-03-055	388-08-449	NEW-C	90-04-020
356-34-170	REP-P	90-03-101	360-16A-030	NEW	90-03-055	388-08-449	NEW	90-04-076
356-34-170	REP-C	90-07-053	360-16A-040	NEW	90-03-055	388-08-452	NEW-C	90-04-020
356-34-170	REP-E	90-10-017	360-16A-060	NEW	90-03-055	388-08-452	NEW	90-04-076
356-34-170	REP	90-10-018	360-16A-070	NEW	90-03-055	388-08-461	NEW-C	90-04-020
356-34-180	REP-P	90-03-101	360-16A-080	NEW	90-03-055	388-08-461	NEW	90-04-076
356-34-180	REP-C	90-07-053	360-16A-090	NEW	90-03-055	388-08-464	NEW-C	90-04-020
356-34-180	REP-E	90-10-017	360-16A-100	NEW	90-03-055	388-08-464	NEW	90-04-076
356-34-180	REP	90-10-018	365-110-020	AMD-P	90-03-017	388-08-470	NEW-C	90-04-020
356-34-190	REP-P	90-03-101	365-110-020	AMD	90-09-008	388-08-470	NEW	90-04-076
356-34-190	REP-C	90-07-053	365-110-030	REP-P	90-03-017	388-08-482	NEW-P	90-09-095
356-34-190	REP-E	90-10-017	365-110-030	REP	90-09-008	388-08-482	NEW-W	90-10-028
356-34-190	REP	90-10-018	365-110-035	AMD-P	90-03-017	388-08-482	NEW-P	90-09-095
356-34-200	REP-P	90-03-101	365-110-035	AMD	90-09-008	388-08-485	NEW-P	90-09-095
356-34-200	REP-C	90-07-053	365-110-040	REP-P	90-03-017	388-08-485	NEW-W	90-10-028
356-34-200	REP-E	90-10-017	365-110-040	REP	90-09-008	388-08-488	NEW-P	90-09-095
356-34-200	REP	90-10-018	365-110-050	REP-P	90-03-017	388-08-488	NEW-W	90-10-028
356-34-210	REP-P	90-03-101	365-110-050	REP	90-09-008	388-08-491	NEW-P	90-09-095
356-34-210	REP-C	90-07-053	365-110-060	REP-P	90-03-017	388-08-491	NEW-W	90-10-028
356-34-210	REP-E	90-10-017	365-110-060	REP	90-09-008	388-08-515	NEW-C	90-04-020
356-34-210	REP	90-10-018	365-110-060	REP	90-09-008	388-08-515	NEW	90-04-076
356-34-210	REP	90-10-018	365-110-080	REP-P	90-03-017	388-08-525	NEW-C	90-04-020
356-34-220	REP-P	90-03-101	365-110-080	REP	90-09-008	388-08-525	NEW	90-04-076
356-34-220	REP-C	90-07-053	374-20-010	NEW-P	90-10-093	388-08-535	NEW-C	90-04-020
356-34-220	REP-E	90-10-017	374-20-020	NEW-P	90-10-093	388-08-535	NEW	90-04-076
356-34-220	REP	90-10-018	374-20-030	NEW-P	90-10-093	388-08-540	REP-C	90-04-020
356-34-230	REP-P	90-03-101	374-20-040	NEW-P	90-10-093	388-08-540	REP	90-04-076
356-34-230	REP-C	90-07-053	374-20-050	NEW-P	90-10-093	388-08-540	NEW-C	90-04-020
356-34-230	REP-E	90-10-017	374-20-060	NEW-P	90-10-093	388-08-545	NEW	90-04-076
356-34-230	REP	90-10-018	374-20-070	NEW-P	90-10-093	388-08-545	REP-C	90-04-020
356-37-010	NEW-P	90-03-101	374-20-080	NEW-P	90-10-093	388-08-550	REP	90-04-076
356-37-010	NEW	90-07-057	374-20-090	NEW-P	90-10-093	388-08-550	NEW-C	90-04-020
356-37-020	NEW-P	90-03-101	374-20-100	NEW-P	90-10-093	388-08-555	NEW	90-04-076
356-37-020	NEW	90-07-057	374-30-010	NEW-P	90-10-094	388-08-560	REP-C	90-04-020
356-37-030	NEW-P	90-03-101	374-30-020	NEW-P	90-10-094	388-08-560	REP	90-04-076
356-37-030	NEW	90-07-057	374-30-030	NEW-P	90-10-094	388-08-565	NEW-C	90-04-020
356-37-040	NEW-P	90-03-101	374-30-040	NEW-P	90-10-094	388-08-565	NEW	90-04-076
356-37-040	NEW	90-07-057	374-30-050	NEW-P	90-10-094	388-08-575	NEW-C	90-04-020
356-37-050	NEW-P	90-03-101	374-30-060	NEW-P	90-10-094	388-08-575	NEW	90-04-076
356-37-050	NEW	90-07-057	388-08-00201	REP-C	90-04-020	388-08-580	REP-C	90-04-020
356-37-060	NEW-P	90-03-101	388-08-00201	REP	90-04-076	388-08-580	REP	90-04-076
356-37-060	NEW	90-07-057	388-08-00401	REP-C	90-04-020	388-08-590	REP-C	90-04-020
356-37-070	NEW-P	90-03-101	388-08-00401	REP	90-04-076	388-08-590	REP	90-04-076
356-37-070	NEW	90-07-057	388-08-006	REP-C	90-04-020	388-09-010	REP-C	90-04-020
356-37-080	NEW-P	90-03-101	388-08-006	REP	90-04-076	388-09-010	REP	90-05-020
356-37-080	NEW	90-07-057	388-08-00601	REP-C	90-04-020	388-09-020	REP-C	90-04-020
356-37-090	NEW-P	90-03-101	388-08-00601	REP	90-04-076	388-09-020	REP	90-05-020
356-37-090	NEW	90-07-057	388-08-010	REP-C	90-04-020	388-09-030	REP-C	90-04-020
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356-37-110	NEW	90-07-057	388-08-406	REP-C	90-04-020	388-11-100	AMD-C	90-04-021
356-37-120	NEW-P	90-03-101	388-08-406	REP	90-04-076	388-11-100	AMD	90-04-077
356-37-120	NEW	90-07-057	388-08-409	REP-C	90-04-020	388-11-105	REP-C	90-04-021
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388-13-060	AMD	90-04-077	388-49-410	AMD-E	90-07-036	388-77-256	NEW-P	90-09-085
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388-14-200	AMD	90-05-022	388-49-590	AMD	90-10-064	388-83-028	REP-E	90-08-052
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388-14-260	AMD	90-04-077	388-49-600	AMD	90-09-036	388-83-029	NEW-E	90-08-052
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388-14-270	AMD-C	90-04-021	388-70-590	AMD-C	90-04-016	388-83-033	AMD-P	90-08-047
388-14-270	AMD-W	90-04-069	388-70-590	AMD	90-04-072	388-83-033	AMD-E	90-08-051
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388-100-010	AMD-E	90-08-049	391-25-410	RE-AD	90-06-072	391-95-280	RE-AD	90-06-075
388-320	AMD-C	90-04-020	391-25-412	RE-AD	90-06-072	391-95-290	RE-AD	90-06-075
388-320	AMD	90-04-076	391-25-413	RE-AD	90-06-072	391-95-310	RE-AD	90-06-075
388-320-185	NEW-P	90-09-095	391-25-430	RE-AD	90-06-072	392-100-060	AMD-P	90-07-043
388-320-340	NEW-C	90-04-020	391-25-450	RE-AD	90-06-072	392-109-117	AMD	90-04-043
388-320-340	NEW	90-04-076	391-25-470	RE-AD	90-06-072	392-120-005	AMD-P	90-05-035
388-320-350	NEW-C	90-04-020	391-25-490	RE-AD	90-06-072	392-120-005	AMD	90-09-038
388-320-350	NEW	90-04-076	391-25-510	RE-AD	90-06-072	392-120-010	AMD-P	90-05-035
388-320-360	NEW-C	90-04-020	391-25-530	RE-AD	90-06-072	392-120-010	AMD	90-09-038
388-320-360	NEW	90-04-076	391-25-531	RE-AD	90-06-072	392-120-015	AMD-P	90-05-035
388-320-370	NEW-C	90-04-020	391-25-550	RE-AD	90-06-072	392-120-015	AMD	90-09-038
388-320-370	NEW	90-04-076	391-25-570	RE-AD	90-06-072	392-120-020	AMD-P	90-05-035
388-320-400	NEW-C	90-04-020	391-25-590	RE-AD	90-06-072	392-120-020	AMD	90-09-038
388-320-400	NEW	90-04-076	391-25-610	RE-AD	90-06-072	392-120-025	AMD-P	90-05-035
388-320-410	NEW-C	90-04-020	391-25-630	RE-AD	90-06-072	392-120-025	AMD	90-09-038
388-320-410	NEW	90-04-076	391-25-650	RE-AD	90-06-072	392-120-030	NEW-P	90-05-035
388-320-500	NEW-C	90-04-020	391-25-670	RE-AD	90-06-072	392-120-030	NEW	90-09-038
388-320-500	NEW	90-04-076	391-35-001	AMD	90-06-073	392-120-035	NEW-P	90-05-035
391-08-001	AMD	90-06-070	391-35-002	RE-AD	90-06-073	392-120-035	NEW	90-09-038
391-08-003	RE-AD	90-06-070	391-35-010	RE-AD	90-06-073	392-120-040	NEW-P	90-05-035
391-08-007	RE-AD	90-06-070	391-35-020	RE-AD	90-06-073	392-120-040	NEW	90-09-038
391-08-010	RE-AD	90-06-070	391-35-030	RE-AD	90-06-073	392-120-045	NEW-P	90-05-035
391-08-020	RE-AD	90-06-070	391-35-050	RE-AD	90-06-073	392-120-045	NEW	90-09-038
391-08-030	RE-AD	90-06-070	391-35-070	RE-AD	90-06-073	392-120-050	NEW-P	90-05-035
391-08-040	RE-AD	90-06-070	391-35-080	NEW	90-06-073	392-120-050	NEW	90-09-038
391-08-100	RE-AD	90-06-070	391-35-090	RE-AD	90-06-073	392-120-055	NEW-P	90-05-035
391-08-110	REP	90-06-070	391-35-099	RE-AD	90-06-073	392-120-055	NEW	90-09-038
391-08-120	AMD	90-06-070	391-35-110	RE-AD	90-06-073	392-120-060	NEW-P	90-05-035
391-08-160	REP	90-06-070	391-35-130	RE-AD	90-06-073	392-120-060	NEW	90-09-038
391-08-180	AMD	90-06-070	391-35-170	AMD	90-06-073	392-120-065	NEW-P	90-05-035
391-08-200	REP	90-06-070	391-35-190	RE-AD	90-06-073	392-120-065	NEW	90-09-038
391-08-210	REP	90-06-070	391-35-210	RE-AD	90-06-073	392-120-070	NEW-P	90-05-035
391-08-230	RE-AD	90-06-070	391-35-230	RE-AD	90-06-073	392-120-070	NEW	90-09-038
391-08-300	AMD	90-06-070	391-35-250	RE-AD	90-06-073	392-121-260	AMD-P	90-10-095
391-08-310	AMD	90-06-070	391-45-001	AMD	90-06-074	392-121-261	NEW-P	90-10-095
391-08-315	NEW	90-06-070	391-45-002	RE-AD	90-06-074	392-121-270	AMD-P	90-10-095
391-08-500	REP	90-06-070	391-45-010	RE-AD	90-06-074	392-121-420	AMD-P	90-09-019
391-08-510	REP	90-06-070	391-45-019	RE-AD	90-06-074	392-127	AMD-P	90-09-020
391-08-600	REP	90-06-070	391-45-030	RE-AD	90-06-074	392-127-003	REP-P	90-09-020
391-08-610	RE-AD	90-06-070	391-45-050	RE-AD	90-06-074	392-127-004	NEW-P	90-09-020
391-08-630	AMD	90-06-070	391-45-070	RE-AD	90-06-074	392-127-005	REP-P	90-09-020
391-08-800	RE-AD	90-06-070	391-45-090	RE-AD	90-06-074	392-127-006	NEW-P	90-09-020
391-08-810	RE-AD	90-06-070	391-45-110	RE-AD	90-06-074	392-127-010	REP-P	90-09-020
391-08-820	AMD	90-06-070	391-45-130	RE-AD	90-06-074	392-127-011	NEW-P	90-09-020
391-08-900	REP	90-06-070	391-45-170	AMD	90-06-074	392-127-015	NEW-P	90-09-020
391-08-910	REP	90-06-070	391-45-190	RE-AD	90-06-074	392-127-020	NEW-P	90-09-020
391-08-920	REP	90-06-070	391-45-210	RE-AD	90-06-074	392-127-025	NEW-P	90-09-020
391-08-930	REP	90-06-070	391-45-230	RE-AD	90-06-074	392-127-030	NEW-P	90-09-020
391-25-001	AMD	90-06-072	391-45-250	RE-AD	90-06-074	392-127-035	NEW-P	90-09-020
391-25-002	RE-AD	90-06-072	391-45-260	AMD	90-06-074	392-127-040	NEW-P	90-09-020
391-25-010	RE-AD	90-06-072	391-45-270	AMD	90-06-074	392-127-045	NEW-P	90-09-020
391-25-012	RE-AD	90-06-072	391-45-290	RE-AD	90-06-074	392-127-050	NEW-P	90-09-020
391-25-030	RE-AD	90-06-072	391-45-310	RE-AD	90-06-074	392-127-055	NEW-P	90-09-020
391-25-050	RE-AD	90-06-072	391-45-330	RE-AD	90-06-074	392-127-060	NEW-P	90-09-020
391-25-070	RE-AD	90-06-072	391-45-350	RE-AD	90-06-074	392-127-065	NEW-P	90-09-020
391-25-090	RE-AD	90-06-072	391-45-370	RE-AD	90-06-074	392-127-070	NEW-P	90-09-020
391-25-092	RE-AD	90-06-072	391-45-390	RE-AD	90-06-074	392-127-075	NEW-P	90-09-020
391-25-110	RE-AD	90-06-072	391-45-410	RE-AD	90-06-074	392-127-080	NEW-P	90-09-020
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391-25-140	RE-AD	90-06-072	391-45-431	RE-AD	90-06-074	392-127-090	NEW-P	90-09-020
391-25-150	RE-AD	90-06-072	391-45-550	RE-AD	90-06-074	392-127-095	NEW-P	90-09-020
391-25-170	RE-AD	90-06-072	391-45-552	RE-AD	90-06-074	392-127-101	NEW-P	90-09-020
391-25-190	RE-AD	90-06-072	391-95-001	AMD	90-06-075	392-127-106	NEW-P	90-09-020
391-25-210	RE-AD	90-06-072	391-95-010	RE-AD	90-06-075	392-127-111	NEW-P	90-09-020

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392-139-900	AMD-P	90-09-021	392-142-180	NEW	90-02-077	402-70-040	NEW-P	90-06-106
392-139-905	NEW-P	90-09-021	392-142-185	NEW	90-02-077	402-70-045	NEW-P	90-06-106
392-140-190	NEW	90-06-007	392-142-190	NEW	90-02-077	402-70-050	AMD-P	90-06-106
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392-140-336	NEW-P	90-09-022	392-142-255	NEW	90-02-077	440-44-028	NEW	90-03-049
392-140-337	NEW-P	90-09-022	392-142-260	NEW	90-02-077	446-10-090	AMD-P	90-04-027
392-140-338	NEW-P	90-09-022	392-142-265	NEW	90-02-077	446-10-090	AMD	90-10-097
392-140-400	NEW-P	90-07-045	392-142-270	NEW	90-02-077	456-09-110	AMD-P	90-08-007
392-140-401	NEW-P	90-07-045	392-168-125	AMD-P	90-07-044	456-09-150	AMD-P	90-08-007
392-140-402	NEW-P	90-07-045	392-168-135	AMD-P	90-07-044	456-09-210	AMD-P	90-08-007
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392-140-405	NEW-P	90-07-045	392-168-170	AMD-P	90-07-044	456-09-315	AMD-P	90-08-007
392-140-406	NEW-P	90-07-045	392-171-800	NEW-P	90-04-045	456-09-320	AMD-P	90-08-007
392-140-407	NEW-P	90-07-045	392-171-800	NEW	90-10-096	456-09-320	AMD-W	90-08-096
392-140-408	NEW-P	90-07-045	392-171-805	NEW-P	90-04-045	456-09-320	AMD-P	90-08-097
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392-140-413	NEW-P	90-07-045	392-171-815	NEW	90-10-096	456-09-530	AMD-P	90-08-007
392-140-414	NEW-P	90-07-045	392-171-820	NEW-P	90-04-045	456-09-655	AMD-P	90-08-007
392-140-415	NEW-P	90-07-045	392-171-820	NEW	90-10-096	456-09-730	AMD-P	90-08-007
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392-140-417	NEW-P	90-07-045	392-171-825	NEW	90-10-096	456-09-740	AMD-P	90-08-007
392-140-418	NEW-P	90-07-045	392-171-830	NEW-P	90-04-045	456-09-742	NEW-P	90-08-007
392-140-419	NEW-P	90-07-045	392-171-830	NEW	90-10-096	456-09-760	AMD-P	90-08-007
392-140-420	NEW-P	90-07-045	392-183-005	NEW-P	90-05-036	456-09-762	NEW-P	90-08-007
392-140-421	NEW-P	90-07-045	392-183-010	NEW-P	90-05-036	456-09-925	AMD-P	90-08-007
392-140-422	NEW-P	90-07-045	392-183-015	NEW-P	90-05-036	456-09-930	AMD-P	90-08-007
392-140-423	NEW-P	90-07-045	392-183-020	NEW-P	90-05-036	456-09-935	AMD-P	90-08-007
392-142-005	AMD	90-02-077	392-183-025	NEW-P	90-05-036	456-09-940	AMD-P	90-08-007
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392-142-015	REP	90-02-077	392-183A-005	NEW	90-09-039	456-09-955	AMD-P	90-08-007
392-142-020	REP	90-02-077	392-183A-010	NEW	90-09-039	456-09-960	NEW-P	90-08-007
392-142-025	REP	90-02-077	392-183A-015	NEW	90-09-039	456-10-110	AMD-P	90-08-006
392-142-030	REP	90-02-077	392-183A-020	NEW	90-09-039	456-10-160	AMD-P	90-08-006
392-142-035	REP	90-02-077	392-183A-025	NEW	90-09-039	456-10-310	AMD-P	90-08-006
392-142-040	REP	90-02-077	392-183A-030	NEW	90-09-039	456-10-315	AMD-P	90-08-006
392-142-045	REP	90-02-077	392-191-001	AMD	90-02-078	456-10-320	AMD-P	90-08-006
392-142-050	REP	90-02-077	392-191-005	AMD	90-02-078	456-10-320	AMD-W	90-08-096
392-142-055	REP	90-02-077	392-191-010	AMD	90-02-078	456-10-320	AMD-P	90-08-098
392-142-060	REP	90-02-077	392-191-020	AMD	90-02-078	456-10-325	AMD-P	90-08-006
392-142-065	REP	90-02-077	392-191-025	NEW	90-02-078	456-10-430	AMD-P	90-08-006
392-142-070	REP	90-02-077	392-191-030	NEW	90-02-078	456-10-440	AMD-P	90-08-006
392-142-075	NEW	90-02-077	392-191-035	NEW	90-02-078	456-10-545	AMD-P	90-08-006
392-142-080	NEW	90-02-077	392-191-040	NEW	90-02-078	456-10-730	AMD-P	90-08-006
392-142-085	NEW	90-02-077	392-191-045	NEW	90-02-078	456-10-735	AMD-P	90-08-006
392-142-090	NEW	90-02-077	392-191-060	NEW	90-02-078	456-10-740	AMD-P	90-08-006
392-142-095	NEW	90-02-077	392-191-065	NEW	90-02-078	456-10-755	AMD-P	90-08-006
392-142-100	NEW	90-02-077	392-191-070	NEW	90-02-078	456-12-030	AMD-P	90-08-005
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392-142-115	NEW	90-02-077	392-191-085	NEW	90-02-078	458-16-265	NEW-P	90-03-059
392-142-120	NEW	90-02-077	392-191-090	NEW	90-02-078	458-16-265	NEW	90-06-048
392-142-125	NEW	90-02-077	392-191-095	NEW	90-02-078	458-20-107	AMD-E	90-06-077
392-142-130	NEW	90-02-077	402-44-050	REP-P	90-06-106	458-20-107	AMD-P	90-07-087
392-142-135	NEW	90-02-077	402-44-057	REP-P	90-06-106	458-20-107	AMD	90-10-080
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392-142-145	NEW	90-02-077	402-44-059	REP-P	90-06-106	458-20-186	AMD	90-04-039
392-142-150	NEW	90-02-077	402-44-060	REP-P	90-06-106	458-20-197	AMD-P	90-07-089
392-142-155	NEW	90-02-077	402-44-061	REP-P	90-06-106	458-20-197	AMD	90-10-082
392-142-160	NEW	90-02-077	402-44-062	REP-P	90-06-106	458-20-22801	NEW	90-05-044
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458-30-260	AMD 90-02-080	460-46A-155	AMD-S 90-05-061	463-30-360	REP 90-05-018
458-30-261	REP 90-02-080	460-46A-155	AMD 90-09-059	463-30-370	REP 90-05-018
458-30-262	NEW 90-02-080	460-46A-160	AMD-P 90-02-087	463-30-380	REP 90-05-018
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458-40-636	AMD-P 90-10-079	460-46A-160	AMD 90-09-059	463-30-420	AMD 90-05-018
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