

**FEBRUARY 6, 1991**

**OLYMPIA, WASHINGTON**

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This issue contains documents officially  
filed not later than January 23, 1991

## 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

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of January 1991 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

**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 1991 pursuant to RCW 63.14.130(1)(a) is thirteen point seven five percent (13.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is thirteen point two five percent (13.25%) for the first calendar quarter of 1991.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is twelve point seven five percent (12.75%) for the first calendar quarter of 1991.

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# WASHINGTON STATE REGISTER

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

**Raymond W. Haman**  
*Chairman, Statute Law Committee*

**Kerry S. Radcliff**  
*Editor*

**Dennis W. Cooper**  
*Code Reviser*

**Joyce Matzen**  
*Subscription Clerk*

**Gary Reid**  
*Chief Assistant Code Reviser*

## 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.

1990 – 1991

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1991
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91-02	Dec 5	Dec 19, 1990	Jan 2, 1991	Jan 16	Feb 5
91-03	Dec 26, 1990	Jan 9, 1991	Jan 23	Feb 6	Feb 26
91-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
91-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
91-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
91-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
91-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
91-09	Mar 20	Apr 3	Apr 17	May 1	May 21
91-10	Apr 3	Apr 17	May 1	May 15	Jun 4
91-11	Apr 24	May 8	May 22	Jun 5	Jun 25
91-12	May 8	May 22	Jun 5	Jun 19	Jul 9
91-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
91-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
91-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992

<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A 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.

<sup>3</sup>At 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 91-02-018**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed December 21, 1990, 4:15 p.m.]

**PUBLIC EMPLOYEES RETIREMENT SYSTEM**  
**PLAN I**

Early Retirement Factors  
 by Year and Month

Date of Adoption: December 12, 1990.  
 Purpose: To implement the actuarial tables, schedules and factors adopted by the director of the Department of Retirement Systems for calculating optional allowances for members of the Washington public employee's retirement system (PERS), chapter 41.40 RCW.  
 Statutory Authority for Adoption: RCW 41.50.050, 41.40.165, 41.40.020, and 41.40.022.  
 Pursuant to notice filed as WSR 90-21-098 on October 19, 1990.  
 Effective Date of Rule: Thirty-one days after filing.  
 December 19, 1990  
 George Northcroft  
 Director

Chapter 415-108-340  
 Actuarial tables, schedules, and factors

NEW SECTION

**WAC 415-108-340 ACTUARIAL TABLES, SCHEDULES, AND FACTORS.** This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050, 41.40.020 and 41.40.022 for calculating optional retirement allowances of members of the Washington state Public Employees' Retirement System, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of Public Employees' Retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances calculated at the time of retirement of members retiring before October 1, 1990 shall continue to be governed by the tables, schedules, and factors in effect when each member retires. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances calculated at the time of retirement only of members retiring after the adoption of such new tables, schedules, and factors.

**PUBLIC EMPLOYEES RETIREMENT SYSTEM**  
**PLAN I**

Early Retirement Factors  
 by Year and Month

0	0	1.0000
	1	.9915
	2	.9830

3	.9746
4	.9661
5	.9576
6	.9491
7	.9407
8	.9322
9	.9237
10	.9152
11	.9068
1 0	.8983
1	.8908
2	.8834
3	.8759
4	.8685
5	.8610
6	.8536
7	.8461
8	.8387
9	.8312
10	.8238
11	.8163
2 0	.8089
1	.8023
2	.7957
3	.7892
4	.7826
5	.7760
6	.7694
7	.7629
8	.7563
9	.7497
10	.7431
11	.7366
3 0	.7300
1	.7242
2	.7183
3	.7125
4	.7067
5	.7009
6	.6951
7	.6892
8	.6834
9	.6776
10	.6718
11	.6660
4 0	.6601
1	.6550
2	.6498
3	.6446
4	.6395
5	.6343
6	.6291
7	.6240
8	.6188
9	.6136
10	.6085
11	.6033

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

5	0	.5981
	1	.5935
	2	.5889
	3	.5843
	4	.5797
	5	.5751
	6	.5705
	7	.5659
	8	.5613
	9	.5567
	10	.5521
	11	.5475
6	0	.5429
	1	.5388
	2	.5347
	3	.5306
	4	.5265
	5	.5224
	6	.5182
	7	.5141
	8	.5100
	9	.5059
	10	.5018
	11	.4977
7	0	.4936
	1	.4899
	2	.4862
	3	.4825
	4	.4789
	5	.4752
	6	.4715
	7	.4678
	8	.4642
	9	.4605
	10	.4568
	11	.4531
8	0	.4494
	1	.4461
	2	.4428
	3	.4395
	4	.4362
	5	.4329
	6	.4296
	7	.4263
	8	.4230
	9	.4197
	10	.4164
	11	.4131
9	0	.4098
	1	.4068
	2	.4039
	3	.4009
	4	.3979
	5	.3950
	6	.3920
	7	.3890
	8	.3860

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

	9	.3831
	10	.3801
	11	.3771
10	0	.3742
	1	.3715
	2	.3688
	3	.3661
	4	.3635
	5	.3608
	6	.3581
	7	.3554
	8	.3528
	9	.3501
	10	.3474
	11	.3447
11	0	.3440
	1	.3396
	2	.3372
	3	.3348
	4	.3324
	5	.3300
	6	.3275
	7	.3251
	8	.3227
	9	.3203
	10	.3179
	11	.3154
12	0	.3130
	1	.3108
	2	.3087
	3	.3065
	4	.3043
	5	.3021
	6	.2999
	7	.2977
	8	.2955
	9	.2933
	10	.2912
	11	.2890
13	0	.2868
	1	.2848
	2	.2828
	3	.2808
	4	.2789
	5	.2769
	6	.2749
	7	.2729
	8	.2709
	9	.2689
	10	.2670
	11	.2650
14	0	.2630
	1	.2612
	2	.2594
	3	.2576
	4	.2558
	5	.2540

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

	6	.2522
	7	.2504
	8	.2486
	9	.2468
	10	.2450
	11	.2432
15	0	.2414
	1	.2398
	2	.2381
	3	.2365
	4	.2348
	5	.2332
	6	.2316
	7	.2299
	8	.2283
	9	.2267
	10	.2250
	11	.2234
16	0	.2218
	1	.2203
	2	.2188
	3	.2173
	4	.2158
	5	.2143
	6	.2128
	7	.2113
	8	.2098
	9	.2084
	10	.2069
	11	.2054
17	0	.2039
	1	.2025
	2	.2012
	3	.1998
	4	.1985
	5	.1971
	6	.1957
	7	.1944
	8	.1930
	9	.1917
	10	.1903
	11	.1890
18	0	.1876
	1	.1864
	2	.1851
	3	.1839
	4	.1826
	5	.1814
	6	.1802
	7	.1789
	8	.1777
	9	.1764
	10	.1752
	11	.1740

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

19	0	.1727
	1	.1726
	2	.1705
	3	.1693
	4	.1682
	5	.1671
	6	.1659
	7	.1648
	8	.1637
	9	.1625
	10	.1614
	11	.1603
20	0	.1591
	1	.1581
	2	.1571
	3	.1560
	4	.1550
	5	.1540
	6	.1529
	7	.1519
	8	.1509
	9	.1498
	10	.1488
	11	.1478
21	0	.1467
	1	.1458
	2	.1448
	3	.1439
	4	.1429
	5	.1420
	6	.1410
	7	.1401
	8	.1391
	9	.1382
	10	.1372
	11	.1363
22	0	.1353
	1	.1345
	2	.1336
	3	.1327
	4	.1319
	5	.1310
	6	.1301
	7	.1293
	8	.1284
	9	.1275
	10	.1267
	11	.1258
23	0	.1249
	1	.1241
	2	.1233
	3	.1225
	4	.1217
	5	.1209
	6	.1201
	7	.1193
	8	.1185

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

	9	.1177
	10	.1169
	11	.1161
24	0	.1153
	1	.1146
	2	.1139
	3	.1132
	4	.1124
	5	.1117
	6	.1110
	7	.1102
	8	.1095
	9	.1088
	10	.1080
	11	.1073
25	0	.1066
	1	.1059
	2	.1052
	3	.1046
	4	.1039
	5	.1032
	6	.1025
	7	.1019
	8	.1012
	9	.1005
	10	.0998
	11	.0992
26	0	.0985
	1	.0979
	2	.0973
	3	.0966
	4	.0960
	5	.0954
	6	.0948
	7	.0942
	8	.0936
	9	.0929
	10	.0923
	11	.0917
27	0	.0911
	1	.0905
	2	.0899
	3	.0894
	4	.0888
	5	.0882
	6	.0877
	7	.0871
	8	.0865
	9	.0860
	10	.0854
	11	.0848
28	0	.0842
	1	.0837
	2	.0832
	3	.0827
	4	.0822

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

	5	.0816
	6	.0811
	7	.0806
	8	.0801
	9	.0795
	10	.0790
	11	.0785
29	0	.0780
	1	.0775
	2	.0770
	3	.0765
	4	.0760
	5	.0755
	6	.0751
	7	.0746
	8	.0741
	9	.0736
	10	.0731
	11	.0726
30	0	.0722
	1	.0717
	2	.0713
	3	.0708
	4	.0704
	5	.0699
	6	.0695
	7	.0690
	8	.0686
	9	.0682
	10	.0677
	11	.0673
31	0	.0668
	1	.0664
	2	.0660
	3	.0656
	4	.0652
	5	.0648
	6	.0644
	7	.0639
	8	.0635
	9	.0631
	10	.0627
	11	.0623
32	0	.0619
	1	.0615
	2	.0611
	3	.0608
	4	.0604
	5	.0600
	6	.0596
	7	.0592
	8	.0589
	9	.0585
	10	.0581
	11	.0577

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN I

Early Retirement Factors  
by Year and Month

33	0	.0573
	1	.0570
	2	.0566
	3	.0563
	4	.0559
	5	.0556
	6	.0552
	7	.0549
	8	.0545
	9	.0542
	10	.0538
	11	.0535
34	0	.0531
	1	.0528
	2	.0525
	3	.0522
	4	.0518
	5	.0515
	6	.0512
	7	.0509
	8	.0506
	9	.0502
	10	.0499
	11	.0496
35	or more	.0493

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Plan II Option 1  
Monthly Benefit per \$1.00  
of Accumulation

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44	.0047084
45	.0047670
46	.0048287
47	.0048939
48	.0049626
49	.0050352
50	.0051120
51	.0051933
52	.0052795
53	.0053712
54	.0054687
55	.0055727
56	.0056837
57	.0058025
58	.0059296
59	.0060657
60	.0062116
61	.0063676
62	.0065347
63	.0067134
64	.0069044
65	.0071085
66	.0073263
67	.0075587
68	.0078066
69	.0080711
70	.0083537
71	.0086558
72	.0089785
73	.0093230
74	.0096898
75	.0100729
76	.1049100
77	.0109250
78	.0113811
79	.0118589
80	.0123587
81	.0128793
82	.0134243
83	.0139934
84	.0145880
85	.0152103
86	.0158600
87	.0165374
88	.0172413
89	.0179682
90	.0187162
91	.0194835
92	.0202654
93	.0210569
94	.0218459
95	.0226265
96	.0234038
97	.0241752
98	.0249356
99	.0256785

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Plan II Option 1  
Monthly Benefit per \$1.00  
of Accumulation

---

20	.0039357
21	.0039525
22	.0039702
23	.0039887
24	.0040081
25	.0040286
26	.0040500
27	.0040726
28	.0040963
29	.0041213
30	.0041476
31	.0041753
32	.0042044
33	.0042351
34	.0042675
35	.0043015
36	.0043375
37	.0043756
38	.0044157
39	.0044581
40	.0045029
41	.0045502
42	.0046001
43	.0046528

Public Employees Retirement System PERS I Optional COLA*		Public Employees Retirement System Plan I Option I Monthly Benefit per \$1.00 of Accumulation		Public Employees Retirement System PERS I Optional COLA*		Public Employees Retirement System Plan I Option I Monthly Benefit per \$1.00 of Accumulation	
20	.638	20	.0061792	74 or more	.971	75	.0119617
21	.640	21	.0061891			76	.0123709
22	.641	22	.0061997			77	.0128014
23	.643	23	.0062111			78	.0132580
24	.645	24	.0062232			79	.0137246
25	.647	25	.0062362			80	.0142169
26	.649	26	.0062501			81	.0147281
27	.651	27	.0062650			82	.0152621
28	.654	28	.0062809			83	.0158184
29	.656	29	.0062979			84	.0163986
30	.658	30	.0063162			85	.0170045
31	.661	31	.0062257			86	.0176361
32	.664	32	.0063566			87	.0182936
33	.666	33	.0062790			88	.0189757
34	.669	34	.0064030			89	.0196789
35	.672	35	.0064286			90	.0204015
36	.675	36	.0064561			91	.0211420
37	.678	37	.0064856			92	.0218957
38	.681	38	.0065173			93	.0226575
39	.684	39	.0065512			94	.0234160
40	.688	40	.0065875			95	.0241655
41	.691	41	.0066263			96	.0249116
42	.695	42	.0066677			97	.0256520
43	.698	43	.0067119			98	.0263822
44	.702	44	.0067590			99	.0270961
45	.706	45	.0068091				
46	.710	46	.0068624	PERS I OPTION II	Age Difference Beneficiary Older	PERS I OPTION III	
47	.715	47	.0069190				
48	.719	48	.0069792	0.973	-20 or more	0.987	
49	.724	49	.0070432	0.970	-19	0.986	
50	.728	50	.0071114	0.964	-18	0.984	
51	.733	51	.0071843	0.960	-17	0.982	
52	.738	52	.0072621	0.957	-16	0.980	
53	.744	53	.0073455	0.953	-15	0.978	
54	.749	54	.0074351	0.949	-14	0.976	
55	.755	55	.0075313	0.945	-13	0.974	
56	.761	56	.0076350	0.940	-12	0.972	
57	.767	57	.0077467	0.934	-11	0.969	
58	.774	58	.0078672	0.929	-10	0.966	
59	.781	59	.0079972	0.923	-9	0.963	
60	.788	60	.0081375	0.917	-8	0.960	
61	.796	61	.0082885	0.910	-7	0.956	
62	.804	62	.0084509	0.902	-6	0.952	
63	.813	63	.0086255	0.895	-5	0.948	
64	.822	64	.0088128	0.887	-4	0.944	
65	.831	65	.0090135	0.878	-3	0.939	
66	.842	66	.0092282	0.866	-2	0.932	
67	.853	67	.0094577	0.852	-1	0.924	
68	.865	68	.0097029				
69	.879	70	.0102454				
70	.894	71	.0105455	0.837	Beneficiary Younger 0	0.917	
71	.910	72	.0108665	0.822	1	0.908	
72	.928	73	.0112093	0.809	2	0.901	
73	.947	74	.0115744	0.800	3	0.894	

PERS I OPTION II	Age Difference Beneficiary Older	PERS I OPTION III	PERS II OPTION II	Age Difference Beneficiary Older	PERS II OPTION III
0.794	4	0.889	0.862	-3	0.926
0.789	5	0.885	0.846	-2	0.917
0.784	6	0.881	0.828	-1	0.907
0.776	7	0.876			
0.766	8	0.869			
0.754	9	0.862	0.809	Beneficiary Younger 0	0.896
0.744	10	0.855	0.791	1	0.885
0.736	11	0.850	0.774	2	0.874
0.731	12	0.847	0.760	3	0.865
0.726	13	0.844	0.748	4	0.858
0.721	14	0.841	0.738	5	0.851
0.717	15	0.838	0.729	6	0.845
0.713	16	0.835	0.718	7	0.838
0.709	17	0.832	0.705	8	0.829
0.706	18	0.830	0.691	9	0.819
0.702	19	0.827	0.678	10	0.810
0.699	20	0.825	0.668	11	0.803
0.696	21	0.823	0.660	12	0.797
0.693	22	0.821	0.653	13	0.792
0.690	23	0.819	0.646	14	0.787
0.687	24	0.817	0.639	15	0.782
0.685	25	0.815	0.632	16	0.777
0.683	26	0.814	0.626	17	0.772
0.681	27	0.812	0.620	18	0.767
0.679	28	0.811	0.614	19	0.763
0.677	29	0.809	0.609	20	0.759
0.675	30	0.808	0.603	21	0.754
0.673	31	0.807	0.598	22	0.750
0.672	32	0.806	0.594	23	0.747
0.670	33	0.805	0.589	24	0.743
0.669	34	0.804	0.584	25	0.739
0.667	35	0.803	0.580	26	0.736
0.666	36	0.802	0.576	27	0.733
0.665	37	0.801	0.572	28	0.730
0.664	38	0.800	0.569	29	0.727
0.663	39	0.799	0.565	30	0.724
0.662	40 or more	0.798	0.562	31	0.721

Age difference = member's age minus beneficiary age

PERS II OPTION II	Age Difference Beneficiary Older	PERS II OPTION III	PERS II OPTION II	Age Difference Beneficiary Older	PERS II OPTION III
			0.559	32	0.718
			0.556	33	0.716
			0.553	34	0.713
			0.550	35	0.711
			0.547	36	0.709
0.965	-20 or more	0.983	0.545	37	0.707
0.963	-19	0.982	0.542	38	0.705
0.960	-18	0.980	0.540	39	0.703
0.958	-17	0.979	0.538	40 or more	0.701

Age difference = member's age minus beneficiary age

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	0	0	1.0000
		1	.9910
		2	.9821
		3	.9731
		4	.9641
		5	.9551

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	6	.9462
	7	.9372
	8	.9282
	9	.9193
	10	.9103
	11	.9013
1	0	.8923
	1	.8845
	2	.8767
	3	.8688
	4	.8610
	5	.8531
	6	.8453
	7	.8374
	8	.8296
	9	.8217
	10	.8139
	11	.8061
2	0	.7982
	1	.7913
	2	.7844
	3	.7776
	4	.7707
	5	.7638
	6	.7569
	7	.7500
	8	.7431
	9	.7363
	10	.7294
	11	.7225
3	0	.7156
	1	.7096
	2	.7003
	3	.6975
	4	.6914
	5	.6853
	6	.6793
	7	.6732
	8	.6672
	9	.6611
	10	.6551
	11	.6490
4	0	.6429
	1	.6376
	2	.6322
	3	.6269
	4	.6215
	5	.6162
	6	.6109
	7	.6055
	8	.6002
	9	.5948
	10	.5895
	11	.5841

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

5	0	.5788
	1	.5740
	2	.5693
	3	.5646
	4	.5598
	5	.5551
	6	.5504
	7	.5446
	8	.5409
	9	.5362
	10	.5314
	11	.5267
6	0	.5220
	1	.5178
	2	.5136
	3	.5094
	4	.5052
	5	.5010
	6	.4968
	7	.4926
	8	.4884
	9	.4842
	10	.4880
	11	.4758
7	0	.4716
	1	.4678
	2	.4641
	3	.4603
	4	.4566
	5	.4529
	6	.4491
	7	.4454
	8	.4416
	9	.4379
	10	.4342
	11	.4304
8	0	.4267
	1	.4234
	2	.4200
	3	.4167
	4	.4134
	5	.4100
	6	.4067
	7	.4033
	8	.4000
	9	.3967
	10	.3933
	11	.3900
9	0	.3867
	1	.3837
	2	.3807
	3	.3777
	4	.3747
	5	.3748
	6	.3688
	7	.3658
	8	.3628



PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	9	.3598
	10	.3569
	11	.3539
10	0	.3509
	1	.3482
	2	.3456
	3	.3429
	4	.3402
	5	.3375
	6	.3349
	7	.3322
	8	.3295
	9	.3269
	10	.3242
	11	.3215
11	0	.3188
	1	.3165
	2	.3141
	3	.3117
	4	.3093
	5	.3069
	6	.3045
	7	.3021
	8	.2997
	9	.2973
	10	.2949
	11	.2925
12	0	.2901
	1	.2879
	2	.2858
	3	.2836
	4	.2815
	5	.2793
	6	.2771
	7	.2750
	8	.2728
	9	.2707
	10	.2685
	11	.2664
13	0	.2642
	1	.2623
	2	.2603
	3	.2584
	4	.2564
	5	.2545
	6	.2526
	7	.2506
	8	.2487
	9	.2467
	10	.2448
	11	.2429
14	0	.2409
	1	.2392
	2	.2374
	3	.2357
	4	.2339

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	5	.2322
	6	.2304
	7	.2287
	8	.2269
	9	.2252
	10	.2234
	11	.2216
15	0	.2199
	1	.2183
	2	.2167
	3	.2151
	4	.2136
	5	.2120
	6	.2104
	7	.2088
	8	.2072
	9	.2057
	10	.2041
	11	.2025
16	0	.2009
	1	.1995
	2	.1980
	3	.1966
	4	.1952
	5	.1937
	6	.1923
	7	.1909
	8	.1894
	9	.1880
	10	.1866
	11	.1851
17	0	.1837
	1	.1824
	2	.1811
	3	.1798
	4	.1785
	5	.1772
	6	.1759
	7	.1746
	8	.1733
	9	.1720
	10	.1707
	11	.1694
18	0	.1681
	1	.1670
	2	.1658
	3	.1646
	4	.1634
	5	.1623
	6	.1611
	7	.1599
	8	.1587
	9	.1575
	10	.1564
	11	.1552

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

19	0	.1540
	1	.1529
	2	.1519
	3	.1508
	4	.1497
	5	.1487
	6	.1476
	7	.1465
	8	.1455
	9	.1444
	10	.1433
	11	.1422
20	0	.1412
	1	.1402
	2	.1392
	3	.1383
	4	.1373
	5	.1363
	6	.1353
	7	.1344
	8	.1334
	9	.1324
	10	.1315
	11	.1305
21	0	.1295
	1	.1286
	2	.1277
	3	.1269
	4	.1260
	5	.1251
	6	.1242
	7	.1233
	8	.1224
	9	.1215
	10	.1207
	11	.1198
22	0	.1189
	1	.1181
	2	.1173
	3	.1165
	4	.1157
	5	.1149
	6	.1140
	7	.1132
	8	.1124
	9	.1116
	10	.1108
	11	.1100
23	0	.1092
	1	.1085
	2	.1077
	3	.1070
	4	.1063
	5	.1055
	6	.1048
	7	.1041
	8	.1033

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	9	.1026
	10	.1018
	11	.1011
24	0	.1004
	1	.0997
	2	.0990
	3	.0984
	4	.0977
	5	.0974
	6	.0963
	7	.0957
	8	.0950
	9	.0943
	10	.0937
	11	.0930
25	0	.0923
	1	.0917
	2	.0911
	3	.0905
	4	.0898
	5	.0892
	6	.0886
	7	.0880
	8	.0874
	9	.0868
	10	.0862
	11	.0856
26	0	.0849
	1	.0844
	2	.0838
	3	.0833
	4	.0827
	5	.0821
	6	.0816
	7	.0810
	8	.0804
	9	.0799
	10	.0793
	11	.0788
27	0	.0782
	1	.0777
	2	.0772
	3	.0767
	4	.0761
	5	.0756
	6	.0751
	7	.0746
	8	.0741
	9	.0736
	10	.0731
	11	.0725
28	0	.0720
	1	.0716
	2	.0711
	3	.0706
	4	.0701
	5	.0697

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	6	.0692
	7	.0687
	8	.0683
	9	.0678
	10	.0673
	11	.0668
29	0	.0664
	1	.0659
	2	.0655
	3	.0651
	4	.0646
	5	.0642
	6	.0638
	7	.0634
	8	.0629
	9	.0625
	10	.0621
	11	.0616
30	0	.0612
	1	.0608
	2	.0604
	3	.0600
	4	.0596
	5	.0592
	6	.0588
	7	.0584
	8	.0580
	9	.0576
	10	.0572
	11	.0568
31	0	.0564
	1	.0561
	2	.0557
	3	.0553
	4	.0550
	5	.0546
	6	.0543
	7	.0539
	8	.0535
	9	.0532
	10	.0528
	11	.0524
32	0	.0521
	1	.0517
	2	.0514
	3	.0511
	4	.0507
	5	.0504
	6	.0501
	7	.0497
	8	.0494
	9	.0491
	10	.0487
	11	.0484

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

33	0	.0481
	1	.0478
	2	.0475
	3	.0471
	4	.0768
	5	.0465
	6	.0462
	7	.0459
	8	.0456
	9	.0453
	10	.0450
	11	.0447
34	0	.0444
	1	.0441
	2	.0438
	3	.0435
	4	.0433
	5	.0430
	6	.0427
	7	.0424
	8	.0421
	9	.0418
	10	.0416
	11	.0413
35	0	.0410
	1	.0407
	2	.0405
	3	.0402
	4	.0400
	5	.0397
	6	.0394
	7	.0392
	8	.0389
	9	.0387
	10	.0384
	11	.0381
36	0	.0379
	1	.0376
	2	.0374
	3	.0372
	4	.0369
	5	.0367
	6	.0364
	7	.0362
	8	.0360
	9	.0357
	10	.0355
	11	.0352
37	0	.0350
	1	.0348
	2	.0346
	3	.0343
	4	.0341
	5	.0339
	6	.0337
	7	.0335
	8	.0332

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	9	.0330
	10	.0328
	11	.0326
38	0	.0324
	1	.0322
	2	.0320
	3	.0318
	4	.0316
	5	.0313
	6	.0311
	7	.0309
	8	.0307
	9	.0305
	10	.0303
	11	.0301
39	0	.0299
	1	.0297
	2	.0296
	3	.0294
	4	.0292
	5	.0290
	6	.0288
	7	.0286
	8	.0284
	9	.0282
	10	.0281
	11	.0279
40	0	.0277
	1	.0275
	2	.0273
	3	.0272
	4	.0270
	5	.0268
	6	.0266
	7	.0265
	8	.0263
	9	.0261
	10	.0260
	11	.0258
41	0	.0256
	1	.0255
	2	.0253
	3	.0251
	4	.0250
	5	.0248
	6	.0247
	7	.0245
	8	.0243
	9	.0242
	10	.0240
	11	.0239
42	0	.0237
	1	.0236
	2	.0234
	3	.0233
	4	.0231

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 2

Early Retirement Factors  
by Year and Month

	5	.0230
	6	.0228
	7	.0227
	8	.0225
	9	.0224
	10	.0222
	11	.0221
43	0	.0219
	1	.0218
	2	.0217
	3	.0215
	4	.0214
	5	.0213
	6	.0211
	7	.0210
	8	.0209
	9	.0207
	10	.0206
	11	.0205
44	0	.0203
	1	.0202
	2	.0201
	3	.0199
	4	.0198
	5	.0197
	6	.0196
	7	.0194
	8	.0193
	9	.0192
	10	.0191
	11	.0189
45	or more	.0188

**WSR 91-02-019**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed December 21, 1990, 4:18 p.m.]

Date of Adoption: December 12, 1990.

Purpose: To implement the actuarial tables, schedules and factors adopted by the director of the Department of Retirement Systems for calculating optional allowances for members of the Washington law enforcement officers' and fire fighters' retirement system (LEOFF), chapter 41.26 RCW.

Statutory Authority for Adoption: RCW 41.50.050 and 41.26.060.

Pursuant to notice filed as WSR 90-21-099 on October 19, 1990.

Effective Date of Rule: Thirty-one days after filing.  
December 19, 1990  
George Northcroft  
Director

Chapter 415-104-108  
Actuarial tables, schedules, and factors

NEW SECTION

WAC 415-104-108 ACTUARIAL TABLES, SCHEDULES, AND FACTORS. This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050 and 41.26.060 for calculating optional retirement allowances of members of the Washington state Law Enforcement Officers' and Fire Fighters' retirement system, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the Law Enforcement Officers' and Fire Fighters' retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before October 1, 1990 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN I Monthly Benefit per \$1.00 of Accumulation		LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN II Monthly Benefit per \$1.00 of Accumulation	
20	.0025142	20	.0039808
21	.0025304	21	.0039997
22	.0025472	22	.0040196
23	.0025647	23	.0040405
24	.0025828	24	.0040624
25	.0026017	25	.0040855
26	.0026214	26	.0041098
27	.0026418	27	.0041353
28	.0026632	28	.0041622
29	.0026854	29	.0041905
30	.0027086	30	.0042204
31	.0027327	31	.0042518
32	.0027579	32	.0042850
33	.0027842	33	.0043200
34	.0028117	34	.0043569
35	.0028404	35	.0043958
36	.0028704	36	.0044370
37	.0029018	37	.0044805
38	.0029346	38	.0045266
39	.0029690	39	.0045752
40	.0030050	40	.0046267

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN I Monthly Benefit per \$1.00 of Accumulation		LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN II Monthly Benefit per \$1.00 of Accumulation	
41	.0030427	41	.0046810
42	.0030823	42	.0047384
43	.0031237	43	.0047988
44	.0031672	44	.0048626
45	.0032128	45	.0049298
46	.0032607	46	.0050007
47	.0033111	47	.0050753
48	.0033640	48	.0051539
49	.0034197	49	.0052369
50	.0034785	50	.0053245
51	.0035404	51	.0054172
52	.0036059	52	.0055155
53	.0036751	53	.0056199
54	.0037485	54	.0057310
55	.0038265	55	.0058496
56	.0039096	56	.0059764
57	.0039981	57	.0061122
58	.0040928	58	.0062578
59	.0041941	59	.0064139
60	.0043026	60	.0065811
61	.0044195	61	.0067600
62	.0045451	62	.0069511
63	.0046805	63	.0071548
64	.0048266	64	.0073714
65	.0049847	65	.0076011
66	.0051560	66	.0078441
67	.0053424	67	.0081009
68	.0055445	68	.0083721
69	.0057645	69	.0086591
70	.0060046	70	.0089634
71	.0062678	71	.0092866
72	.0065554	72	.0096299
73	.0068706	73	.0099940
74	.0072168	74	.0103786
75	.0075947	75	.0107825
76	.0080069	76	.0112040
77	.0084560	77	.0116408
78	.0089449	78	.0120905
79	.0094696	79	.0125511
80	.0100369	80	.0130204
81	.0106372	81	.0134944
82	.0112701	82	.0139758
83	.0119271	83	.0144609
84	.0126119	84	.0149489
85	.0133170	85	.0154388
86	.0140467	86	.0159282
87	.0147922	87	.0164053
88	.0155623	88	.0168983
89	.0163745	89	.0173754
90	.0172295	90	.0178441
91	.0181323	91	.0183008
92	.0190934	92	.0187436
93	.0201303	93	.0191730

LAW  
ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN I  
Monthly Benefit per  
\$1.00 of Accumulation

LAW  
ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Monthly Benefit per  
\$1.00 of Accumulation

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

94	.0212247	94	.0195820
95	.0223693	95	.0199697
96	.0236226	96	.0203443
97	.0250062	97	.0207038
98	.0265426	98	.0210462
99	.0282645	99	.0213706

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

0	0	1.0000
	1	.9918
	2	.9836
	3	.9754
	4	.9672
	5	.9590
	6	.9508
	7	.9426
	8	.9344
	9	.9262
	10	.9180
	11	.9098
1	0	.9016
	1	.8943
	2	.8870
	3	.8797
	4	.8724
	5	.8652
	6	.8579
	7	.8506
	8	.8433
	9	.8360
	10	.8287
	11	.8215
2	0	.8142
	1	.8077
	2	.8012
	3	.7947
	4	.7883
	5	.7818
	6	.7753
	7	.7688
	8	.7623
	9	.7558

	10	.7494
	11	.7429
3	0	.7364
	1	.7306
	2	.7248
	3	.7191
	4	.7133
	5	.7075
	6	.7017
	7	.6959
	8	.6902
	9	.6844
	10	.6786
	11	.6728
4	0	.6670
	1	.6619
	2	.6567
	3	.6515
	4	.6464
	5	.6412
	6	.6360
	7	.6309
	8	.6257
	9	.6205
	10	.6153
	11	.6102
5	0	.6050
	1	.6004
	2	.5958
	3	.5911
	4	.5865
	5	.5819
	6	.5772
	7	.5726
	8	.5680
	9	.5634
	10	.5587
	11	.5541
6	0	.5495
	1	.5453
	2	.5412
	3	.5370
	4	.5329
	5	.5287
	6	.5246
	7	.5204
	8	.5163
	9	.5121
	10	.5080
	11	.5038

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

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7	0	.4996
	1	.4959
	2	.4922
	3	.4884
	4	.4847
	5	.4810
	6	.4773
	7	.4735
	8	.4698
	9	.4661
	10	.4623
	11	.4586
8	0	.4549
	1	.4515
	2	.4481
	3	.4448
	4	.4414
	5	.4381
	6	.4347
	7	.4313
	8	.4280
	9	.4246
	10	.4213
	11	.4179
9	0	.4145
	1	.4115
	2	.4085
	3	.4054
	4	.4024
	5	.3994
	6	.3964
	7	.3933
	8	.3903
	9	.3873
	10	.3842
	11	.3812
10	0	.3782
	1	.3754
	2	.3727
	3	.3700
	4	.3672
	5	.3645
	6	.3618
	7	.3590
	8	.3563
	9	.3535
	10	.3508
	11	.3481

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11	0	.3453
	1	.3429
	2	.3404
	3	.3379
	4	.3354
	5	.3330
	6	.3305
	7	.3280
	8	.3255
	9	.3231
	10	.3206
	11	.3181
12	0	.3156
	1	.3134
	2	.3112
	3	.3089
	4	.3067
	5	.3044
	6	.3022
	7	.2999
	8	.2977
	9	.2955
	10	.2932
	11	.2910
13	0	.2887
	1	.2867
	2	.2847
	3	.2826
	4	.2806
	5	.2786
	6	.2765
	7	.2745
	8	.2725
	9	.2705
	10	.2684
	11	.2664
14	0	.2644
	1	.2625
	2	.2607
	3	.2588
	4	.2570
	5	.2551
	6	.2533
	7	.2514
	8	.2496
	9	.2478
	10	.2459
	11	.2441

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

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15	0	.2422
	1	.2405
	2	.2389
	3	.2372
	4	.2355
	5	.2338
	6	.2322
	7	.2305
	8	.2288
	9	.2271
	10	.2254
	11	.2238
16	0	.2221
	1	.2206
	2	.2190
	3	.2175
	4	.2160
	5	.2145
	6	.2129
	7	.2114
	8	.2099
	9	.2084
	10	.2068
	11	.2053
17	0	.2038
	1	.2024
	2	.2010
	3	.1996
	4	.1982
	5	.1968
	6	.1955
	7	.1941
	8	.1927
	9	.1913
	10	.1899
	11	.1885
18	0	.1871
	1	.1858
	2	.1846
	3	.1833
	4	.1820
	5	.1808
	6	.1795
	7	.1782
	8	.1770
	9	.1757
	10	.1744
	11	.1732

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19	0	.1719
	1	.1708
	2	.1696
	3	.1684
	4	.1673
	5	.1661
	6	.1650
	7	.1638
	8	.1627
	9	.1615
	10	.1604
	11	.1592
20	0	.1580
	1	.1570
	2	.1559
	3	.1549
	4	.1538
	5	.1528
	6	.1517
	7	.1506
	8	.1496
	9	.1485
	10	.1475
	11	.1464
21	0	.1454
	1	.1444
	2	.1434
	3	.1425
	4	.1415
	5	.1405
	6	.1396
	7	.1386
	8	.1376
	9	.1367
	10	.1357
	11	.1347



LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

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22	0	.1338
	1	.1329
	2	.1320
	3	.1311
	4	.1302
	5	.1294
	6	.1285
	7	.1276
	8	.1267
	9	.1258
	10	.1249
	11	.1241
23	0	.1232
	1	.1224
	2	.1216
	3	.1208
	4	.1199
	5	.1191
	6	.1183
	7	.1175
	8	.1167
	9	.1159
	10	.1151
	11	.1143
24	0	.1135
	1	.1127
	2	.1120
	3	.1113
	4	.1105
	5	.1098
	6	.1090
	7	.1083
	8	.1075
	9	.1068
	10	.1061
	11	.1053
25	0	.1046
	1	.1039
	2	.1032
	3	.1025
	4	.1019
	5	.1012
	6	.1005
	7	.0998
	8	.0991
	9	.0985
	10	.0978
	11	.0971

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

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26	0	.0964
	1	.0958
	2	.0952
	3	.0946
	4	.0939
	5	.0933
	6	.0927
	7	.0921
	8	.0914
	9	.0908
	10	.0902
	11	.0896
27	0	.0889
	1	.0884
	2	.0878
	3	.0872
	4	.0867
	5	.0861
	6	.0855
	7	.0849
	8	.0844
	9	.0838
	10	.0832
	11	.0826
28	0	.0821
	1	.0815
	2	.0810
	3	.0805
	4	.0800
	5	.0794
	6	.0789
	7	.0784
	8	.0779
	9	.0773
	10	.0768
	11	.0763
29	0	.0758
	1	.0753
	2	.0748
	3	.0743
	4	.0738
	5	.0733
	6	.0729
	7	.0724
	8	.0719
	9	.0714
	10	.0709
	11	.0704

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

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30	0	.0700
	1	.0695
	2	.0691
	3	.0686
	4	.0682
	5	.0677
	6	.0673
	7	.0668
	8	.0664
	9	.0660
	10	.0655
	11	.0651
31	0	.0646
	1	.0642
	2	.0638
	3	.0634
	4	.0630
	5	.0626
	6	.0622
	7	.0618
	8	.0613
	9	.0609
	10	.0605
	11	.0601
32	0	.0597
	1	.0593
	2	.0590
	3	.0586
	4	.0582
	5	.0578
	6	.0575
	7	.0571
	8	.0567
	9	.0563
	10	.0559
	11	.0556
33	0	.0552
	1	.0548
	2	.0545
	3	.0541
	4	.0538
	5	.0535
	6	.0531
	7	.0528
	8	.0524
	9	.0521
	10	.0517
	11	.0514

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34	0	.0510
	1	.0507
	2	.0504
	3	.0501
	4	.0497
	5	.0494
	6	.0491
	7	.0488
	8	.0485
	9	.0481
	10	.0478
	11	.0475
35	0	.0472
	1	.0469
	2	.0466
	3	.0463
	4	.0460
	5	.0457
	6	.0454
	7	.0451
	8	.0448
	9	.0445
	10	.0442
	11	.0439
36	0	.0437
	1	.0434
	2	.0431
	3	.0428
	4	.0426
	5	.0423
	6	.0420
	7	.0417
	8	.0415
	9	.0412
	10	.0409
	11	.0407
37	0	.0404
	1	.0401
	2	.0399
	3	.0396
	4	.0394
	5	.0391
	6	.0389
	7	.0386
	8	.0384
	9	.0381
	10	.0379
	11	.0376

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS RETIREMENT SYSTEM  
PLAN II  
Age  
Difference  
Option II      Option III

38	0	.0374	0.663	16	0.799
	1	.0372	0.656	17	0.794
	2	.0369	0.650	18	0.790
	3	.0367	0.644	19	0.786
	4	.0365	0.639	20	0.782
	5	.0363	0.634	21	0.778
	6	.0361	0.630	22	0.775
	7	.0359	0.625	23	0.771
	8	.0356	0.621	24	0.768
	9	.0354	0.617	25	0.765
	10	.0352	0.613	26	0.762
	11	.0350	0.609	27	0.759
39	0	.0348	0.606	28	0.756
	1	.0346	0.602	29	0.754
	2	.0344	0.599	30	0.751
	3	.0342	0.596	31	0.749
	4	.0340	0.593	32	0.746
	5	.0338	0.590	33	0.744
	6	.0336	0.587	34	0.742
	7	.0334	0.585	35	0.740
	8	.0332	0.582	36	0.738
	9	.0330	0.580	37	0.736
	10	.0327	0.578	38	0.734
	11	.0325	0.575	39	0.732
40	or more	.0323	0.573	40	0.731

Beneficiary Older

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS RETIREMENT SYSTEM

PLAN II

Option II      Age Difference      Option III

Member Older

0.800	0	0.887
0.790	1	0.883
0.778	2	0.877
0.768	3	0.871
0.759	4	0.865
0.750	5	0.859
0.742	6	0.854
0.734	7	0.849
0.726	8	0.843
0.718	9	0.838
0.711	10	0.833
0.704	11	0.828
0.697	12	0.824
0.690	13	0.818
0.681	14	0.812
0.672	15	0.805

0.956	-20 or more	0.980
0.951	-19	0.978
0.946	-18	0.975
0.940	-17	0.972
0.934	-16	0.968
0.927	-15	0.965
0.920	-14	0.961
0.913	-13	0.957
0.905	-12	0.953
0.897	-11	0.948
0.889	-10	0.944
0.881	-09	0.939
0.872	-08	0.933
0.863	-07	0.927
0.854	-06	0.920
0.846	-05	0.914
0.837	-04	0.908
0.828	-03	0.902
0.819	-02	0.897
0.810	-01	0.892

AGE DIFFERENCE = MEMBER'S AGE MINUS BENEFICIARY AGE

\* For converting the Normal Form (Option I) to Option II or III.

LEOFF II JSR OPTION II	Age Difference Beneficiary Older	LEOFF II JSR OPTION III
0.956	-20 or more	0.980
0.951	-19	0.978
0.946	-18	0.975
0.940	-17	0.972
0.934	-16	0.968
0.927	-15	0.965
0.920	-14	0.961
0.913	-13	0.957
0.905	-12	0.953
0.897	-11	0.948
0.889	-10	0.944
0.881	-9	0.939
0.872	-8	0.934
0.863	-7	0.929
0.854	-6	0.924
0.846	-5	0.919
0.837	-4	0.913
0.828	-3	0.908
0.819	-2	0.902
0.810	-1	0.897

LEOFF II JSR OPTION II	Age Difference Beneficiary Older	LEOFF II JSR OPTION III
0.580	37	0.736
0.578	38	0.734
0.575	39	0.732
0.573	40 or more	0.731

Age difference = member's age minus beneficiary age

**REPEALER**

The following chapter of the Washington Administrative Code is hereby repealed: Chapter 415-02-090 Actuarial tables, schedules, and factors.

**WSR 91-02-020  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**  
[Filed December 21, 1990, 4:21 p.m.]

Date of Adoption: December 12, 1990.

Purpose: To implement the actuarial tables, schedules and factors adopted by the director of the Department of Retirement Systems for calculating optional allowances for members of Washington teachers' retirement system (TRS), chapter 41.32 RCW.

Statutory Authority for Adoption: RCW 41.50.050 and 41.32.140.

Pursuant to notice filed as WSR 90-21-100 on October 19, 1990.

Effective Date of Rule: Thirty-one days after filing.  
December 19, 1990  
George Northcroft  
Director

Chapter 415-112-040  
Actuarial tables, schedules, and factors

**NEW SECTION**

WAC 415-112-040 ACTUARIAL TABLES, SCHEDULES, AND FACTORS. This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050 and 41.32.140 for calculating optional retirement allowances of members of the Washington state Teachers' Retirement System, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of Teachers' Retirement System. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before October 1,

	Beneficiary Younger	
0.800	0	0.894
0.790	1	0.889
0.778	2	0.881
0.768	3	0.874
0.759	4	0.866
0.750	5	0.860
0.742	6	0.854
0.734	7	0.849
0.726	8	0.843
0.718	9	0.838
0.711	10	0.833
0.704	11	0.828
0.697	12	0.824
0.690	13	0.818
0.681	14	0.812
0.672	15	0.805
0.663	16	0.799
0.656	17	0.794
0.650	18	0.790
0.644	19	0.786
0.639	20	0.782
0.634	21	0.778
0.630	22	0.775
0.625	23	0.771
0.621	24	0.768
0.617	25	0.765
0.613	26	0.762
0.609	27	0.759
0.606	28	0.756
0.602	29	0.754
0.599	30	0.751
0.596	31	0.749
0.593	32	0.746
0.590	33	0.744
0.587	34	0.742
0.585	35	0.740
0.582	36	0.738

1990 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

Teachers Retirement System TRS 1 Optional COLA*		Teachers Retirement System TRS 1 Option 1 Monthly Benefit per \$1.00 of Accumulation	
20	.633	20	.0061484
21	.634	21	.0061561
22	.636	22	.0061643
23	.638	23	.0061732
24	.639	24	.0061828
25	.641	25	.0061930
26	.643	26	.0062039
27	.645	27	.0062156
28	.647	28	.0062281
29	.649	29	.0062414
30	.652	30	.0062558
31	.654	31	.0062711
32	.656	32	.0062875
33	.659	33	.0063050
34	.661	34	.0063238
35	.664	35	.0063440
36	.667	36	.0063655
37	.670	37	.0063886
38	.673	38	.0064133
39	.676	39	.0064398
40	.679	40	.0064682
41	.682	41	.0064988
42	.686	42	.0065315
43	.689	43	.0065666
44	.693	44	.0066042
45	.697	45	.0066444
46	.701	46	.0066874
47	.705	47	.0067334
48	.709	48	.0067823
49	.714	49	.0068345
50	.718	50	.0068901
51	.723	51	.0069492
52	.728	52	.0070122
53	.734	53	.0070794
54	.739	54	.0071512
55	.745	55	.0072280
56	.751	56	.0073102
57	.758	57	.0073984
58	.764	58	.0074931
59	.771	59	.0075950
60	.779	60	.0077049
61	.787	61	.0078235
62	.795	62	.0079521
63	.804	63	.0080907
64	.814	64	.0824070
65	.824	65	.0084029
66	.835	66	.0085784
67	.847	67	.0087680
68	.860	68	.0089727

Teachers Retirement System TRS 1 Optional COLA*		Teachers Retirement System TRS 1 Option 1 Monthly Benefit per \$1.00 of Accumulation	
69	.875	69	.0091936
70	.890	70	.0094312
71	.907	71	.0096865
72	.927	72	.0099604
73	.948	73	.0102542
74 or more	.972	74	.0105696
		75	.0109088
		76	.0112739
		77	.0116669
		78	.0120898
		79	.0125439
		80	.0130304
		81	.0135505
		82	.0141057
		83	.0146979
		84	.0153295
		85	.0160001
		86	.0167200
		87	.0174922
		88	.0183233
		89	.0192217
		90	.0201938
		91	.0212433
		92	.0223781
		93	.0236079
		94	.0249403
		95	.0263868
		96	.0279635
		97	.0296927
		98	.0315504
		99	.0335425

\* For converting from the normal form Option 0 without a COLA, to Option 0 with a COLA

TEACHERS RETIREMENT SYSTEM PLAN 1 Early Retirement Factors by Year and Month		
0	0	1.0000
	1	.9927
	2	.9854
	3	.9780
	4	.9707
	5	.9634
	6	.9561
	7	.9488
	8	.9414
	9	.9341
	10	.9268
	11	.9195

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

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1	0	.9122
	1	.9056
	2	.8990
	3	.8924
	4	.8858
	5	.8792
	6	.8727
	7	.8661
	8	.8595
	9	.8529
	10	.8463
	11	.8397
2	0	.8331
	1	.8272
	2	.8213
	3	.8153
	4	.8094
	5	.8034
	6	.7975
	7	.7916
	8	.7856
	9	.7797
	10	.7737
	11	.7678
3	0	.7619
	1	.7565
	2	.7511
	3	.7457
	4	.7404
	5	.7350
	6	.7296
	7	.7243
	8	.7189
	9	.7135
	10	.7082
	11	.7028
4	0	.6974
	1	.6926
	2	.6877
	3	.6829
	4	.6780
	5	.6731
	6	.6683
	7	.6634
	8	.6586
	9	.6537
	10	.6489
	11	.6440

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5	0	.6391
	1	.6347
	2	.6303
	3	.6259
	4	.6215
	5	.6171
	6	.6127
	7	.6083
	8	.6039
	9	.5995
	10	.5951
	11	.5907
6	0	.5863
	1	.5823
	2	.5783
	3	.5743
	4	.5703
	5	.5663
	6	.5623
	7	.5583
	8	.5543
	9	.5503
	10	.5463
	11	.5423
7	0	.5383
	1	.5346
	2	.5310
	3	.5273
	4	.5237
	5	.5201
	6	.5164
	7	.5128
	8	.5092
	9	.5055
	10	.5019
	11	.4982
8	0	.4946
	1	.4913
	2	.4880
	3	.4847
	4	.4813
	5	.4780
	6	.4747
	7	.4714
	8	.4681
	9	.4648
	10	.4615
	11	.4582

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

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9	0	.4548
	1	.4518
	2	.4488
	3	.4458
	4	.4428
	5	.4397
	6	.4367
	7	.4337
	8	.4307
	9	.4276
	10	.4246
	11	.4216
10	0	.4186
	1	.4158
	2	.4131
	3	.4103
	4	.4076
	5	.4048
	6	.4020
	7	.3993
	8	.3965
	9	.3938
	10	.3910
	11	.3882
11	0	.3855
	1	.3830
	2	.3804
	3	.3779
	4	.3754
	5	.3729
	6	.3704
	7	.3678
	8	.3653
	9	.3628
	10	.3603
	11	.3578
12	0	.3552
	1	.3529
	2	.3506
	3	.3483
	4	.3460
	5	.3437
	6	.3414
	7	.3391
	8	.3368
	9	.3345
	10	.3322
	11	.3299

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13	0	.3276
	1	.3254
	2	.3233
	3	.3212
	4	.3191
	5	.3170
	6	.3149
	7	.3128
	8	.3107
	9	.3085
	10	.3064
	11	.3043
14	0	.3022
	1	.3003
	2	.2983
	3	.2964
	4	.2945
	5	.2925
	6	.2906
	7	.2887
	8	.2867
	9	.2848
	10	.2828
	11	.2809
15	0	.2790
	1	.2772
	2	.2754
	3	.2736
	4	.2719
	5	.2701
	6	.2683
	7	.2665
	8	.2648
	9	.2630
	10	.2612
	11	.2594
16	0	.2577
	1	.2560
	2	.2544
	3	.2528
	4	.2511
	5	.2495
	6	.2479
	7	.2462
	8	.2446
	9	.2430
	10	.2413
	11	.2397

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

TEACHERS  
RETIREMENT SYSTEM  
PLAN I  
Early Retirement Factors  
by Year and Month

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17	0	.2381
	1	.2366
	2	.2351
	3	.2336
	4	.2321
	5	.2306
	6	.2291
	7	.2276
	8	.2261
	9	.2246
	10	.2231
	11	.2216
18	0	.2201
	1	.2187
	2	.2173
	3	.2159
	4	.2146
	5	.2132
	6	.2118
	7	.2104
	8	.2090
	9	.2077
	10	.2063
	11	.2049
19	0	.2035
	1	.2023
	2	.2010
	3	.1997
	4	.1984
	5	.1972
	6	.1959
	7	.1946
	8	.1934
	9	.1921
	10	.1908
	11	.1896
20	0	.1883
	1	.1871
	2	.1860
	3	.1848
	4	.1836
	5	.1824
	6	.1813
	7	.1801
	8	.1789
	9	.1778
	10	.1766
	11	.1754

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21	0	.1743
	1	.1732
	2	.1721
	3	.1710
	4	.1699
	5	.1689
	6	.1678
	7	.1667
	8	.1656
	9	.1646
	10	.1635
	11	.1624
22	0	.1613
	1	.1603
	2	.1593
	3	.1583
	4	.1573
	5	.1563
	6	.1554
	7	.1544
	8	.1534
	9	.1524
	10	.1514
	11	.1504
23	0	.1494
	1	.1485
	2	.1476
	3	.1466
	4	.1457
	5	.1448
	6	.1439
	7	.1430
	8	.1421
	9	.1411
	10	.1402
	11	.1393
24	0	.1384
	1	.1375
	2	.1367
	3	.1358
	4	.1350
	5	.1341
	6	.1333
	7	.1325
	8	.1316
	9	.1308
	10	.1299
	11	.1291



TEACHERS  
RETIREMENT SYSTEM  
PLAN 1  
Early Retirement Factors  
by Year and Month

TEACHERS  
RETIREMENT SYSTEM  
PLAN 1  
Early Retirement Factors  
by Year and Month

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25	0	.1282
	1	.1274
	2	.1267
	3	.1259
	4	.1251
	5	.1243
	6	.1235
	7	.1227
	8	.1220
	9	.1212
	10	.1204
	11	.1196
26	0	.1188
	1	.1181
	2	.1174
	3	.1167
	4	.1159
	5	.1152
	6	.1145
	7	.1138
	8	.1131
	9	.1123
	10	.1116
	11	.1109
27	0	.1102
	1	.1095
	2	.1088
	3	.1082
	4	.1075
	5	.1068
	6	.1062
	7	.1055
	8	.1048
	9	.1041
	10	.1035
	11	.1028
28	0	.1021
	1	.1015
	2	.1009
	3	.1003
	4	.0997
	5	.0991
	6	.0984
	7	.0978
	8	.0972
	9	.0966
	10	.0960
	11	.0953

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29	0	.0947
	1	.0942
	2	.0936
	3	.0930
	4	.0924
	5	.0919
	6	.0913
	7	.0907
	8	.0902
	9	.0896
	10	.0890
	11	.0884
30	0	.0879
	1	.0873
	2	.0868
	3	.0863
	4	.0858
	5	.0852
	6	.0847
	7	.0842
	8	.0836
	9	.0831
	10	.0826
	11	.0820
31	0	.0815
	1	.0810
	2	.0805
	3	.0801
	4	.0796
	5	.0791
	6	.0786
	7	.0781
	8	.0776
	9	.0771
	10	.0766
	11	.0761
32	0	.0756
	1	.0752
	2	.0747
	3	.0743
	4	.0738
	5	.0734
	6	.0729
	7	.0725
	8	.0720
	9	.0716
	10	.0711
	11	.0707

TEACHERS  
RETIREMENT SYSTEM  
PLAN 1  
Early Retirement Factors  
by Year and Month

33	0	.0702
	1	.0698
	2	.0694
	3	.0689
	4	.0685
	5	.0681
	6	.0677
	7	.0673
	8	.0668
	9	.0664
	10	.0660
	11	.0656
34	0	.0652
	1	.0648
	2	.0644
	3	.0640
	4	.0636
	5	.0632
	6	.0628
	7	.0624
	8	.0620
	9	.0617
	10	.0613
	11	.0609
35	or more	.0605

TRS I OPTION II	Age Difference Beneficiary Older	TRS I OPTION III
0.852	4	0.920
0.847	5	0.917
0.842	6	0.914
0.838	7	0.912
0.834	8	0.910
0.830	9	0.907
0.826	10	0.905
0.823	11	0.903
0.819	12	0.901
0.815	13	0.898
0.810	14	0.895
0.803	15	0.891
0.798	16	0.888
0.794	17	0.886
0.792	18	0.885
0.789	19	0.883
0.786	20	0.881
0.784	21	0.880
0.782	22	0.878
0.780	23	0.876
0.778	24	0.875
0.776	25	0.874
0.774	26	0.873
0.772	27	0.872
0.771	28	0.871
0.769	29	0.870
0.768	30	0.869
0.767	31	0.868
0.765	32	0.867
0.764	33	0.866
0.763	34	0.866
0.762	35	0.865
0.761	36	0.864
0.760	37	0.864
0.759	38	0.863
0.758	39	0.862
0.757	40 or more	0.862

Age difference = member's age minus beneficiary age

TRS I OPTION II	Age Difference Beneficiary Older	TRS I OPTION III
0.974	-20 or more	0.988
0.972	-19	0.987
0.969	-18	0.986
0.967	-17	0.984
0.964	-16	0.983
0.961	-15	0.982
0.958	-14	0.980
0.955	-13	0.978
0.952	-12	0.977
0.949	-11	0.975
0.945	-10	0.973
0.942	-9	0.971
0.938	-8	0.969
0.934	-7	0.967
0.930	-6	0.965
0.926	-5	0.963
0.922	-4	0.961
0.916	-3	0.957
0.908	-2	0.952
0.898	-1	0.946

	Beneficiary Younger	
0.887	0	0.940
0.876	1	0.934
0.866	2	0.928
0.858	3	0.923

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Monthly Benefit per \$1.00  
of Accumulation

20	.0038822
21	.0038963
22	.0039111
23	.0039267
24	.0039430
25	.0039602
26	.0039783
27	.0039972
28	.0040171
29	.0040380
30	.0040600
31	.0040831
32	.0041074

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Monthly Benefit per \$1.00  
of Accumulation

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Monthly Benefit per \$1.00  
of Accumulation

33	.0041329
34	.0041598
35	.0041882
36	.0042180
37	.0042494
38	.0042826
39	.0043175
40	.0043544
41	.0043934
42	.0044346
43	.0044781
44	.0045240
45	.0045725
46	.0046237
47	.0046777
48	.0047347
49	.0047948
50	.0048583
51	.0049252
52	.0049959
53	.0050707
54	.0051499
55	.0052339
56	.0053230
57	.0054178
58	.0055186
59	.0056262
60	.0057410
61	.0058637
62	.0059953
63	.0061358
64	.0062864
65	.0064475
66	.0066200
67	.0068046
68	.0070018
69	.0072122
70	.0074365
71	.0076750
72	.0079285
73	.0081977
74	.0084836
75	.0087870
76	.0091089
77	.0094497
78	.0098095
79	.0101882
80	.0105851
81	.0109995
82	.0114309
83	.0118787
84	.0123425
85	.0128212
86	.0133167
87	.0138277
88	.0143534

89	.0148925
90	.0154423
91	.0159988
92	.0165585
93	.0171179
94	.0176717
95	.0182139
96	.0187396
97	.0192453
98	.0197237
99	.0201727

TRS II OPTION II	Age Difference Beneficiary Older	TRS II OPTION III
0.982	-20 or more	0.990
0.980	-19	0.988
0.978	-18	0.987
0.975	-17	0.985
0.973	-16	0.984
0.970	-15	0.982
0.967	-14	0.980
0.963	-13	0.978
0.959	-12	0.975
0.955	-11	0.973
0.951	-10	0.971
0.947	-9	0.968
0.943	-8	0.965
0.938	-7	0.962
0.934	-6	0.959
0.930	-5	0.956
0.923	-4	0.952
0.913	-3	0.947
0.897	-2	0.940
0.878	-1	0.932

Beneficiary Younger

0.858	0	0.923
0.838	1	0.914
0.820	2	0.906
0.806	3	0.899
0.797	4	0.893
0.789	5	0.888
0.781	6	0.883
0.774	7	0.879
0.767	8	0.874
0.761	9	0.870
0.754	10	0.866
0.748	11	0.861
0.741	12	0.857
0.733	13	0.852
0.724	14	0.847
0.716	15	0.841
0.709	16	0.836
0.704	17	0.831

TRS II OPTION II	Age Difference Beneficiary Older	TRS II OPTION III
0.699	18	0.828
0.694	19	0.824
0.689	20	0.821
0.685	21	0.818
0.681	22	0.814
0.676	23	0.811
0.672	24	0.808
0.669	25	0.805
0.665	26	0.803
0.661	27	0.800
0.658	28	0.798
0.655	29	0.795
0.652	30	0.793
0.649	31	0.791
0.646	32	0.788
0.643	33	0.786
0.641	34	0.784
0.638	35	0.782
0.636	36	0.781
0.634	37	0.779
0.632	38	0.777
0.630	39	0.775
0.628	40 or more	0.773

Age difference = member's age minus beneficiary age

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

2	0	.8099
	1	.8033
	2	.7967
	3	.7901
	4	.7835
	5	.7769
	6	.7704
	7	.7638
	8	.7572
	9	.7506
	10	.7440
	11	.7374
3	0	.7308
	1	.7250
	2	.7191
	3	.7133
	4	.7074
	5	.7016
	6	.6957
	7	.6899
	8	.6840
	9	.6781
	10	.6723
	11	.6664
4	0	.6606
	1	.6554
	2	.6502
	3	.6449
	4	.6397
	5	.6345
	6	.6293
	7	.6241
	8	.6189
	9	.6137
	10	.6085
	11	.6032
5	0	.5980
	1	.5934
	2	.5887
	3	.5841
	4	.5794
	5	.5748
	6	.5701
	7	.5654
	8	.5608
	9	.5561
	10	.5515
	11	.5468

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

0	0	1.0000
	1	.9916
	2	.9832
	3	.9748
	4	.9664
	5	.9580
	6	.9495
	7	.9411
	8	.9327
	9	.9243
	10	.9159
	11	.9075
1	0	.8991
	1	.8916
	2	.8842
	3	.8768
	4	.8693
	5	.8619
	6	.8545
	7	.8470
	8	.8396
	9	.8322
	10	.8247
	11	.8173

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

6	0	.5422
	1	.5380
	2	.5338
	3	.5297
	4	.5255
	5	.5214
	6	.5172
	7	.5130
	8	.5089
	9	.5047
	10	.5005
	11	.4964
7	0	.4922
	1	.4885
	2	.4847
	3	.4810
	4	.4773
	5	.4735
	6	.4698
	7	.4661
	8	.4623
	9	.4586
	10	.4549
	11	.4511
8	0	.4474
	1	.4441
	2	.4407
	3	.4374
	4	.4340
	5	.4307
	6	.4273
	7	.4239
	8	.4206
	9	.4172
	10	.4139
	11	.4105
9	0	.4072
	1	.4042
	2	.4012
	3	.3981
	4	.3951
	5	.3921
	6	.3891
	7	.3861
	8	.3831
	9	.3800
	10	.3770
	11	.3740

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

10	0	.3710
	1	.3683
	2	.3656
	3	.3628
	4	.3601
	5	.3574
	6	.3547
	7	.3520
	8	.3493
	9	.3465
	10	.3438
	11	.3411
11	0	.3384
	1	.3359
	2	.3335
	3	.3310
	4	.3286
	5	.3261
	6	.3237
	7	.3212
	8	.3188
	9	.3163
	10	.3139
	11	.3114
12	0	.3089
	1	.3067
	2	.3045
	3	.3023
	4	.3001
	5	.2979
	6	.2956
	7	.2934
	8	.2912
	9	.2890
	10	.2868
	11	.2846
13	0	.2823
	1	.2803
	2	.2783
	3	.2763
	4	.2743
	5	.2723
	6	.2703
	7	.2683
	8	.2663
	9	.2643
	10	.2623
	11	.2603

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

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14	0	.2582
	1	.2564
	2	.2546
	3	.2528
	4	.2510
	5	.2491
	6	.2473
	7	.2455
	8	.2437
	9	.2419
	10	.2400
	11	.2382
15	0	.2364
	1	.2348
	2	.2331
	3	.2315
	4	.2298
	5	.2282
	6	.2265
	7	.2248
	8	.2232
	9	.2215
	10	.2199
	11	.2182
16	0	.2166
	1	.2151
	2	.2136
	3	.2121
	4	.2106
	5	.2091
	6	.2076
	7	.2061
	8	.2046
	9	.2031
	10	.2016
	11	.2001
17	0	.1986
	1	.1972
	2	.1959
	3	.1945
	4	.1931
	5	.1918
	6	.1904
	7	.1890
	8	.1877
	9	.1863
	10	.1849
	11	.1836

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18	0	.1822
	1	.1810
	2	.1797
	3	.1785
	4	.1772
	5	.1760
	6	.1747
	7	.1735
	8	.1723
	9	.1710
	10	.1698
	11	.1685
19	0	.1673
	1	.1662
	2	.1650
	3	.1639
	4	.1628
	5	.1616
	6	.1605
	7	.1594
	8	.1582
	9	.1571
	10	.1560
	11	.1548
20	0	.1537
	1	.1527
	2	.1516
	3	.1506
	4	.1496
	5	.1485
	6	.1475
	7	.1465
	8	.1454
	9	.1444
	10	.1433
	11	.1423
21	0	.1413
	1	.1403
	2	.1394
	3	.1384
	4	.1375
	5	.1366
	6	.1356
	7	.1347
	8	.1337
	9	.1328
	10	.1318
	11	.1309

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

22	0	.1299
	1	.1291
	2	.1282
	3	.1274
	4	.1265
	5	.1256
	6	.1248
	7	.1239
	8	.1230
	9	.1222
	10	.1213
	11	.1205
23	0	.1196
	1	.1188
	2	.1180
	3	.1172
	4	.1164
	5	.1156
	6	.1149
	7	.1141
	8	.1133
	9	.1125
	10	.1117
	11	.1109
24	0	.1101
	1	.1094
	2	.1087
	3	.1079
	4	.1072
	5	.1065
	6	.1058
	7	.1051
	8	.1043
	9	.1036
	10	.1029
	11	.1022
25	0	.1014
	1	.1008
	2	.1001
	3	.0994
	4	.0988
	5	.0981
	6	.0975
	7	.0968
	8	.0961
	9	.0955
	10	.0948
	11	.0941

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

26	0	.0935
	1	.0929
	2	.0923
	3	.0917
	4	.0911
	5	.0904
	6	.0898
	7	.0892
	8	.0886
	9	.0880
	10	.0874
	11	.0868
27	0	.0862
	1	.0856
	2	.0851
	3	.0845
	4	.0840
	5	.0834
	6	.0828
	7	.0823
	8	.0817
	9	.0812
	10	.0806
	11	.0801
28	0	.0795
	1	.0790
	2	.0785
	3	.0780
	4	.0775
	5	.0769
	6	.0764
	7	.0759
	8	.0754
	9	.0749
	10	.0744
	11	.0739
29	0	.0734
	1	.0729
	2	.0724
	3	.0720
	4	.0715
	5	.0710
	6	.0705
	7	.0701
	8	.0696
	9	.0691
	10	.0687
	11	.0682

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

30	0	.0677
	1	.0673
	2	.0669
	3	.0664
	4	.0660
	5	.0656
	6	.0651
	7	.0647
	8	.0643
	9	.0638
	10	.0634
	11	.0630
31	0	.0625
	1	.0621
	2	.0617
	3	.0613
	4	.0609
	5	.0605
	6	.0602
	7	.0598
	8	.0594
	9	.0590
	10	.0586
	11	.0582
32	0	.0578
	1	.0574
	2	.0570
	3	.0567
	4	.0563
	5	.0559
	6	.0556
	7	.0552
	8	.0548
	9	.0545
	10	.0541
	11	.0537
33	0	.0534
	1	.0530
	2	.0527
	3	.0524
	4	.0520
	5	.0517
	6	.0514
	7	.0510
	8	.0507
	9	.0503
	10	.0500
	11	.0497

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

34	0	.0493
	1	.0490
	2	.0487
	3	.0484
	4	.0481
	5	.0478
	6	.0475
	7	.0472
	8	.0469
	9	.0465
	10	.0462
	11	.0459
35 or more	0	.0456

**WSR 91-03-001**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed January 3, 1991, 10:50 a.m.]

Original Notice.

Title of Rule: Chapter 392-115 WAC, Finance—  
Audit resolution process.

Purpose: To set forth the policies and procedures in accordance with federal requirements for the resolution of monetary and nonmonetary audit findings against a subrecipient receiving federal moneys administered by the Superintendent of Public Instruction.

Statutory Authority for Adoption: RCW 28A.300.070.

Statute Being Implemented: RCW 28A.300.070.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, Superintendent of Public Instruction, (206) 753-2298; Implementation: Bob Schley, Old Capitol Building, Superintendent of Public Instruction, (206) 753-1717; and Enforcement: David Moberly, Old Capitol Building, Superintendent of Public Instruction, (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, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on March 1, 1991, at 9:00 a.m.



Submit Written Comments to: Richard M. Wilson,  
Superintendent of Public Instruction, Legal Services,  
Olympia, Washington 98504, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 3, 1991  
Judith A. Billings  
Superintendent of  
Public Instruction

Chapter 392-115 WAC  
FINANCE—AUDIT RESOLUTION PROCESS

NEW SECTION

WAC 392-115-005 **AUTHORITY.** The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal moneys in accordance with federal acts—to wit:

(1) U.S. Public Law 98-502 (the Single Audit Act of 1984) and its implementing federal rules and regulations that require the superintendent of public instruction to resolve audit findings against governmental organizations receiving federal moneys that the superintendent of public instruction receives and administers;

(2) U.S. Public Law 89-64 and amendments thereto (Child Nutrition Act of 1966) and its implementing rules and regulations that require the superintendent of public instruction to resolve audit findings against those organizations operating child care programs and receiving federal moneys received and administered by the superintendent of public instruction; or

(3) U.S. Office of Management and Budget Circular A-110 and successor circular A-133 that require the superintendent of public instruction to resolve audit findings against those organizations receiving federal moneys administered and received by the superintendent of public instruction.

(4) U.S. Public Law 100-297 (Elementary and Secondary School Improvement Act of 1988) and implementing rules and regulations that require the superintendent of public instruction to consider audit findings to be prima facie evidence, and the burden of proof to set aside an audit finding rests with the subrecipient.

NEW SECTION

WAC 392-115-010 **PURPOSE.** The purpose of this chapter is to set forth the policies and procedures in accordance with federal requirements for the resolution of monetary and nonmonetary audit findings against a subrecipient receiving federal moneys administered by the superintendent of public instruction.

NEW SECTION

WAC 392-115-015 **DEFINITION—SUBRECIPIENT.** As used in this chapter, "subrecipient" means a public or nonpublic entity receiving federal moneys administered and disbursed by the superintendent of public instruction.

NEW SECTION

WAC 392-115-020 **DEFINITION—PROGRAM AUDIT.** As used in this chapter, "program audit" means an examination of a subrecipient to determine compliance with the federal laws and regulations governing the operation of a specific program.

NEW SECTION

WAC 392-115-025 **DEFINITION—SINGLE AUDIT.** As used in this section, "single audit" means an organization-wide examination conducted under the Single Audit Act of 1984 encompassing the entire financial operation of a subrecipient reporting whether:

(1) All financial statements present fairly the financial position and results of financial operations in accordance with generally accepted accounting principles;

(2) All laws and regulations having a material effect upon the financial statements or major federal assistance programs have been complied with; and

(3) All internal control systems provide reasonable assurance that federal financial assistance programs are managed in compliance with applicable laws and regulations.

NEW SECTION

WAC 392-115-030 **DEFINITION—AUDIT REPORT.** As used in this chapter, "audit report" means the report issued by either the office of the state auditor or a certified public accountant disclosing the results of either a single audit or program audit.

NEW SECTION

WAC 392-115-035 **DEFINITION—QUESTIONED COSTS.** As used in this chapter, "questioned costs" means the estimated cost presented in a schedule of questioned cost, associated with one or more of the following:

(1) An alleged violation of a law, regulation, contract, grant, cooperative agreement, or other agreement governing the expenditure of moneys.

(2) Lack of adequate documentation of the expenditure of moneys.

(3) The unnecessary or unreasonable expenditure of the moneys.

NEW SECTION

WAC 392-115-040 **DEFINITION—MONETARY AUDIT FINDING.** As used in this chapter, "monetary audit finding" means a questioned cost associated with a weakness, irregularity, or error.

NEW SECTION

WAC 392-115-045 **DEFINITION—NONMONETARY AUDIT FINDING.** As used in this chapter, "nonmonetary audit finding" means a weakness, error, or irregularity not associated with a questioned cost but associated with:

(1) Inadequacy of internal controls;

(2) Lack of compliance with federal laws or rules and regulations; or

(3) Improper financial statements of the subrecipient.

NEW SECTION

WAC 392-115-050 **DEFINITION—AUDIT FINDING.** As used in this chapter, "audit finding" means either a monetary or nonmonetary audit finding clearly designated as an audit finding in the audit report of a subrecipient pertaining to federal moneys administered by the superintendent of public instruction.

NEW SECTION

WAC 392-115-055 **DEFINITION—DISALLOWED COSTS.** As used in this chapter, "disallowed costs" means those questioned costs associated with an audit finding that the superintendent of public instruction has determined should not be charged to the federal government.

NEW SECTION

WAC 392-115-060 **DEFINITION—ALLOWED COSTS.** As used in this chapter, "allowed costs" means a questioned cost that the superintendent of public instruction has determined is properly charged to the federal government. Such determination includes but is not limited to the following reasons: Clerical error; inappropriate methodology; noncompliance with generally accepted auditing standards and incorrect interpretation or application of law, rules, or regulations.

NEW SECTION

WAC 392-115-065 **DEFINITION—RESOLVED AUDIT FINDING.** As used in this chapter, "resolved audit finding" means an audit finding subject to provisions of a management decision letter.

NEW SECTION

WAC 392-115-070 **DEFINITION—MANAGEMENT DECISION LETTER.** As used in this chapter, "management decision letter" means a letter that represents resolution of the audit finding for the purposes of this chapter.

NEW SECTION

WAC 392-115-075 **DEFINITION—DESK REVIEW.** As used in this chapter, "desk review" means a review of an audit report to assure that it meets applicable reporting standards and single audit reporting requirements.

NEW SECTION

WAC 392-115-080 REOPENING OF RESOLVED AUDIT FINDINGS. The superintendent of public instruction shall recover from the subrecipient moneys resulting from an audit resolution pursuant to this chapter, and any subsequent events that result in a liability of the subrecipient, including the reopening of resolved audit findings. Basic education allocation may be withheld to facilitate recovery as provided by section 1, chapter 103, Laws of 1990.

NEW SECTION

WAC 392-115-085 AUDIT FINDING AGAINST SPI CONSIDERED TO BE AN AUDIT FINDING AGAINST A SUBRECIPIENT. An audit finding contained in an audit report of the superintendent of public instruction resulting from failure of a subrecipient to comply with federal law or rules and regulations, shall be considered an audit finding against the subrecipient and resolved pursuant to this chapter.

NEW SECTION

WAC 392-115-090 LACK OF COMPLIANCE WITH THE AUDIT RESOLUTION PROCESS. Any subrecipient failing to comply with the process or procedures of this chapter may be subject to the withholding or recovery of federal moneys. The superintendent of public instruction may recover moneys or withhold future funding as necessary to implement management decision letters or final action plans. Money withheld may be released upon corrective action.

NEW SECTION

WAC 392-115-095 DESK REVIEW OF AUDIT REPORTS. As required by 34 C.F.R. Part 74, Appendix G, upon receipt of an audit report from the office of the state auditor or a certified public accountant, a desk review of the audit report shall be conducted by the superintendent of public instruction. Audit reports that pass the desk review shall be forwarded for resolution of any audit findings. Audit reports that are determined by such review to be deficient shall be rejected. The superintendent of public instruction may consult with auditors prior to the rejection of audit reports.

NEW SECTION

WAC 392-115-100 SUBRECIPIENT TO BE INFORMED OF AUDIT FINDING. The superintendent of public instruction shall inform, by letter, the affected subrecipient of an audit finding or findings within thirty calendar days after an audit report has passed desk review, as required by WAC 392-115-095. If the audit contains a monetary audit finding such letter shall be notice under P.L. 100-297 of a prima facie case for the recovery of funds, that unless rebutted, is sufficient to sustain the conclusion drawn in the audit. If the audit contains a nonmonetary finding, the audit shall be a prima facie case that sustains the audit finding unless rebutted. Audit findings are sustained under this chapter unless the subrecipient can prove that the audit is deficient as specified in WAC 392-115-140.

NEW SECTION

WAC 392-115-105 SUBRECIPIENT CONCURRENCE WITH AUDIT FINDING. The subrecipient shall inform the superintendent of public instruction, by letter, whether it concurs or does not concur with an audit finding within thirty calendar days of the date of the notice by the superintendent of public instruction. If the subrecipient concurs with the audit finding(s), the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-110 through 392-115-130. In the event a subrecipient elects not to respond to the notice within thirty calendar days of the date of said notice, such failure will be considered concurrence with audit finding(s). If the subrecipient does not concur with the audit finding, the subrecipient and the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-140 through 392-115-150.

NEW SECTION

WAC 392-115-110 MANAGEMENT DECISION LETTER DEVELOPED. The superintendent of public instruction shall prepare

and forward to the suprecipient a management decision letter setting forth:

- (1) Any corrective actions to be taken by the subrecipient;
- (2) Any disallowed costs to be recovered from nonfederal sources;
- (3) Any allowed costs chargeable to federal sources;
- (4) Any corrective action to be taken by the subrecipient;
- (5) The due date for submission to the superintendent of public instruction of any final action plan.

The superintendent of public instruction shall issue the management decision letter no later than one hundred eighty calendar days after the receipt of the audit report setting forth an audit finding against the subrecipient.

NEW SECTION

WAC 392-115-115 FINAL ACTION PLAN. The subrecipient shall develop a final action plan, as required in the management decision letter, setting forth:

- (1) The corrective actions; and
- (2) The schedule for implementation of corrective actions.

NEW SECTION

WAC 392-115-120 SPI REVIEWS FINAL ACTION PLAN. The superintendent of public instruction shall review and approve the final action plan and implementation schedule as proposed by the subrecipient for compliance with the required actions set forth in the management decision letter. If the final action plan or its implementation schedule does not comply with the requirements of the management decision letter, the superintendent shall require the subrecipient to modify the final action plan accordingly. The auditor (the office of the state auditor or a certified public accountant) has the responsibility to review the subrecipient's actions to determine if the corrective actions called for in the final action plan have taken place and assess the adherence to the final action plan in making audit determinations.

NEW SECTION

WAC 392-115-125 SPI INFORMS SUBRECIPIENT OF THE RESULTS OF REVIEW. The superintendent of public instruction shall inform the subrecipient, by letter, of:

- (1) The results of its review of the final action plan;
- (2) Any modification required to be made by the subrecipient; and
- (3) The implementation schedule of the final action plan.

NEW SECTION

WAC 392-115-130 SUBRECIPIENT IMPLEMENTS FINAL ACTION PLAN. The subrecipient shall implement the final action plan, with any required modifications, by the date(s) specified by the superintendent of public instruction.

NEW SECTION

WAC 392-115-135 SUBRECIPIENT NONCONCURRENCE WITH AUDIT FINDING. The subrecipient shall state the basis of its nonconcurrence with the audit finding by letter, within sixty calendar days (inclusive of the thirty calendar days allowed the subrecipient to notify the superintendent of public instruction of its concurrence or nonconcurrence provided in WAC 392-115-105) of notification from the superintendent of public instruction of the audit finding. The letter shall set forth in full the reasons for the nonconcurrence and be the basis for any subsequent review by the superintendent of public instruction. The subrecipient shall have the burden of proof in cases of disputed audit findings.

NEW SECTION

WAC 392-115-140 SPI REVIEW OF AUDIT FINDING AS RESULT OF NONCONCURRENCE. The superintendent of public instruction shall review the subrecipient's letter of nonconcurrence and such review shall be limited to proof of one or more of the following:

- (1) Error or omission by the auditor;
- (2) Application of inappropriate methodology by the auditor;
- (3) Noncompliance with generally accepted auditing standards by the auditor;
- (4) Incorrect interpretation or application by the auditor of federal law or rules and regulations.

**NEW SECTION**

WAC 392-115-145 SPI DEVELOPS MANAGEMENT DECISION LETTER. The superintendent of public instruction shall issue a management decision letter pursuant to WAC 392-115-115 incorporating the results of its review of the subrecipient's nonconurrence with an audit finding.

**NEW SECTION**

WAC 392-115-150 SUBRECIPIENT APPEAL OF MANAGEMENT DECISION LETTER. The subrecipient may, in writing, appeal the management decision letter within thirty calendar days after the date of the management decision letter to the superintendent of public instruction.

**NEW SECTION**

WAC 392-115-155 MODIFICATION OF MANAGEMENT DECISION LETTER. The superintendent of public instruction shall include any judgments or decisions resulting from a fully exhausted appeals process in a revised management decision letter developed pursuant to WAC 392-115-110.

**WSR 91-03-002**

**NOTICE OF PUBLIC MEETINGS  
JOINT CENTER FOR  
HIGHER EDUCATION**

[Memorandum—January 3, 1991]

**NOTICE OF MEETINGS**

The Joint Center for Higher Education in Spokane will hold regular meetings at 9:30 a.m. on the second Wednesday of specified months during 1991. Notice of meeting locations will be sent out at least six days prior to each regular meeting.

- February 13, 1991
- April 10, 1991
- May 8, 1991
- June 12, 1991
- September 11, 1991
- October 9, 1991
- December 11, 1991

**WSR 91-03-003**

**NOTICE OF PUBLIC MEETINGS  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Memorandum—January 2, 1991]

The Washington State Criminal Justice Training Commission has adopted the following schedule of meetings dates for 1991:

- March 7, 1991 10:00 a.m. Criminal Justice Training Center  
2450 South 142nd  
Seattle, WA 98168
- June 13, 1991 10:00 a.m. Criminal Justice Training Center  
2450 South 142nd  
Seattle, WA 98168
- September 26, 1991 10:00 a.m. Spokane, Washington
- December 5, 1991 10:00 a.m. Criminal Justice Training Center  
2450 South 142nd  
Seattle, WA 98168

**WSR 91-03-004**

**NOTICE OF PUBLIC MEETINGS  
GREEN RIVER  
COMMUNITY COLLEGE**

[Memorandum—January 3, 1991]

The board of trustees of Green River Community College will meet the third Thursday of each month as follows:

- January 17
- February 21
- March 21
- April 18
- May 16
- June 20
- July 18
- August 15
- September 19
- October 17
- November 21
- December 19

The board of trustees of Community College District No. 10 does hereby set the regular meeting dates for the board of trustees on the third Thursday of each month, commencing at 4:00 p.m., in the Board Room of the Administration Building, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

**WSR 91-03-005**

**NOTICE OF PUBLIC MEETINGS  
LOWER COLUMBIA COLLEGE**

[Memorandum—December 27, 1990]

At its December 19, 1990, meeting, the Community College District 13 board of trustees corrected the list of meeting dates. All regular meetings are scheduled to begin at 5:00 p.m., on the third Wednesday of each month, with the exception of July and October. No meeting is scheduled in July; in addition, the October meeting will be held on the second Wednesday.

- January 16, 1990 [1991]
- February 20, 1990 [1991]
- March 20, 1990 [1991]
- April 17, 1990 [1991]
- May 15, 1990 [1991]
- June 19, 1990 [1991]
- August 21, 1990 [1991]
- September 18, 1990 [1991]
- October 9, 1990 [1991]
- November 20, 1990 [1991]
- December 18, 1990 [1991]

**WSR 91-03-006**  
**RULES COORDINATOR**  
**DEPARTMENT OF LICENSING**  
 [Filed January 3, 1991, 3:39 p.m.]

I have designated Walt Fahrer, Management Analyst, as the rules coordinator for the Department of Licensing and its associated boards and committees with rule-making authority.

Walt Fahrer  
 Office of Budget and Program Support  
 Highways-Licenses Building  
 Olympia, Washington 98504  
 (206) 586-3503, 321-3503 scan

Mary Faulk  
 Director

**WSR 91-03-007**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed January 3, 1991, 4:27 p.m.]

Continuance of WSR 90-21-038.

Title of Rule: WAC 314-52-015 General liquor advertising.

Purpose: To amend existing language and add a new subsection detailing penalties for violations of chapter 314-52 WAC pertaining to the advertising of alcoholic beverages.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.060.

Summary: Amends existing language to further strengthen regulations pertaining to liquor advertising and displays of professional achievement due to consumption of same; attempts to attract persons under the legal age of consumption to consume or create association between toys/children's clothing and liquor ads. Addresses areas of expressed concern voiced by the public over ads and their effect upon person under 21 years of age.

Name of Agency Personnel Responsible for Drafting: M. Carter Mitchell, 1025 East Union, Olympia, 753-6276; Implementation and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: 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 proposal stipulates various activities which would be considered violative of existing regulations regarding advertising/promoting of alcoholic beverages where the advertisement/promotion is directed towards persons under the age of 21 years. The purpose of the language is to discourage such advertising within the state and provide for penalties if violations occur.

Proposal Changes the Following Existing Rules: Expands existing language to clarify what constitutes improper advertising using professional or social achievement in addition to athletic abilities. Prohibits the sale of clothing in children's sizes if such clothing carries brand identification/recognition thereon. Prohibits any advertising intended to attract persons under 21 years to consume.

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

Date of Intended Adoption: January 30, 1991.

January 2, 1991  
 Paula O'Connor  
 Chairman

**WSR 91-03-008**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed January 4, 1991, 11:07 a.m.]

To comply with RCW 34.05.310(3) of the Administrative Procedure Act, the Department of Trade and Economic Development has designated that the department's rules coordinator for calendar year 1991 will be: C. H. (Skip) Houser, Director, Administrative Services, Department of Trade and Economic Development, 101 General Administration Building, Olympia, WA 98504-0613, phone (206) 753-7426.

C. H. (Skip) Houser  
 Director, Administrative Services

**WSR 91-03-009**  
**RULES COORDINATOR**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed January 7, 1991, 8:19 a.m.]

The designated rules coordinator for the Washington State Department of Transportation is: Mr. Bill Richeson, Records Manager, Transportation Building, KF-01, Olympia, Washington 98504, phone 753-0316.

Ed W. Ferguson  
 Deputy Secretary  
 of Transportation

**WSR 91-03-010**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—December 31, 1990]

Following is the meeting schedule for regular meetings to be held by the University of Washington's School of Nursing.

School of Nursing Faculty

Meeting Dates	Location	Time
January 11	Health Sciences T531	1-3
February 22	Health Sciences T531	1-3
April 12	Health Sciences T359	1-3
May 10	Health Sciences T359	1-3
July 19	TBA	1-3
August 9	TBA	1-3

September 11  
 October 9  
 November 13  
 December 11

No meeting is scheduled in the month of August.

All meetings will begin at 2:00 p.m. and will be held at the Washington State Convention and Trade Center, 800 Convention Place, in downtown Seattle.

Faculty Executive Council

Meeting Dates	Location	Time
January 14	Health Sciences T305	9-10:30
January 28	Health Sciences T305	9-10:30
February 11	Health Sciences T305	9-10:30
February 25	Health Sciences T305	9-10:30
March 11	Health Sciences T305	9-10:30
April 8	Health Sciences T305	9-10:30
April 22	Health Sciences T305	9-10:30
May 13	Health Sciences T305	9-10:30
June 10	Health Sciences T305	9-10:30
July 8	Health Sciences T305	9-10:30
August 12	Health Sciences T305	9-10:30

**WSR 91-03-013**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed January 7, 1991, 10:20 a.m.]

Date of Adoption: January 7, 1991.

Purpose: To provide permanent rules for the adoption of survivor benefit options for members of the judicial retirement system, chapter 2.10 RCW, as required by chapter 249, Laws of 1990.

Statutory Authority for Adoption: RCW 34.05.050 and chapter 249, Laws of 1990.

Pursuant to notice filed as WSR 90-21-058 on October 15, 1990.

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

January 7, 1991

George Northcroft  
Director

**WSR 91-03-011**  
**RULES COORDINATOR**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Filed January 7, 1991, 9:43 a.m.]

In accordance with RCW 34.05.310, this memorandum is to inform you that the Interagency Committee for Outdoor Recreation's rules coordinator is: Gary Ogden, Chief, Management Services, 4800 Capitol Boulevard, KP-11, Olympia, WA 98504-5611, phone (206) 753-7140, 234-7140 scan, 586-2495 FAX.

Robert L. Wilder  
Director

**WSR 91-03-012**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
 [Memorandum—January 7, 1991]

The regular meetings of the board will be held at 2:00 p.m. at the Convention Center; and the board of directors desires to hold its regular meeting dates on the second Wednesday of every month, with the exception of January which will be held on the third Wednesday, and no meeting in the month of August.

1991 Regular Meetings of the Board of Directors

- January 16
- February 13
- March 13
- April 10
- May 8
- June 12
- July 10

Chapter 415-100 WAC  
 Additional Survivor Benefit Options for the Judicial Retirement System Offered by Department of Retirement Systems

NEW SECTION

WAC 415-100-041 BACKGROUND AND PURPOSE. (1) Background - Chapter 249, Laws of 1990, (Substitute House Bill No. 2643) provides in part that the department shall adopt rules establishing survivor benefit options for certain retiring eligible members of the Judicial Retirement System, chapter 2.10 RCW. Under the law as amended, a member retiring for service or disability is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and create a survivor's benefit. If a JRS member selects a survivor benefit option, upon the retired member's death, a portion of the member's reduced retirement allowance shall be continued throughout the life of and paid to the designated survivor at a joint and one hundred percent survivor option; or at a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 2.10.146(2), as amended.

(2) Purpose - This chapter is intended to provide permanent rules for the adoption of survivor benefit options

required by chapter 249, Laws of 1990. These permanent rules shall become January 17, 1991.

#### NEW SECTION

WAC 415-100-045 DEFINITIONS FOR PURPOSES OF SECTIONS 415-100-040 THROUGH 415-100-055. (1) "Eligible member" or "member" means a judge as defined in RCW 2.10.030(2), who elected to exchange survivor benefits and who filed the requisite documents with the department pursuant to RCW 2.10.140(2).

(2) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. Concurrently, "Survivor" may include a surviving spouse as defined in RCW 2.10.030(4).

(3) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(4) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent".

(5) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the eligible member; or (b) a relation of the parties to each other by blood or marriage.

(6) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

#### NEW SECTION

WAC 415-100-051 MARRIED MEMBER'S BENEFIT SELECTION - SPOUSAL CONSENT REQUIRED. The member, if married, must provide the written consent of his or her spouse to the option selected under section 415-100-055. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 2.10.146(2), as amended.

#### NEW SECTION

WAC 415-100-055 OPTIONS. RCW 2.10.146, as amended by chapter 249, Laws of 1990, provides three benefit options for eligible members retiring under the provisions of RCW 2.10.100 or RCW 2.10.120. The choice of option is to be made by the member upon application for either service or disability retirement.

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 2.10.110 or 2.10.130, based solely on the single life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to

the member's surviving spouse, or to the member's legal representative, in accordance with RCW 2.10.146 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

**WSR 91-03-014**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed January 7, 1991, 10:24 a.m.]

Date of Adoption: January 7, 1991.

Purpose: To provide permanent rules for the adoption of survivor benefit options for members of law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW, as required by chapter 249 Laws of 1990.

Statutory Authority for Adoption: RCW 34.05.050 and chapter 249, Laws of 1990.

Pursuant to notice filed as WSR 90-21-061 on October 15, 1990.

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

January 7, 1991  
George Northcroft  
Director

Chapter 415-104 WAC  
Additional Survivor Benefit Options for the Law  
Enforcement Officers' and Fire Fighters' Retirement  
System Offered by Department of Retirement Systems

#### NEW SECTION

WAC 415-104-201 BACKGROUND AND PURPOSE. (1) Background - Chapter 249, Laws of 1990 (Substitute House Bill No. 2643) provides in part that the department shall adopt rules establishing survivor benefit options for retiring eligible Plan II members of the Law Enforcement Officers' and Fire Fighters' Retirement System, chapter 41.26 RCW. Under the law as amended, a member retiring for service or disability is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a LEOFF member selects a survivor benefit option, upon the retired member's

death, a portion of the member's reduced retirement allowance shall be continued throughout the life of and paid to the designated survivor by either a joint and one hundred percent survivor option, or a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.26.460(2), as amended.

(2) Purpose - This chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

#### NEW SECTION

WAC 415-104-205 DEFINITIONS FOR PURPOSES OF SECTIONS 415-104-200 THROUGH 415-104-215. (1) "Member" means a Plan II member who is eligible to select a survivor option.

(2) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(3) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(4) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent".

(5) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(6) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

#### NEW SECTION

WAC 415-104-211 MARRIED MEMBER'S BENEFIT SELECTION - SPOUSAL CONSENT REQUIRED. The member, if married, must provide the written consent of his or her spouse to the option selected under section 415-104-215. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 41.26.460(2), as amended.

#### NEW SECTION

WAC 415-104-215 OPTIONS. RCW 41.26.460, as amended by chapter 249, Laws of 1990, provides three benefit options for members retiring under the

provisions of RCW 41.26.430 or RCW 41.26.470. The choice of option is to be made by the member upon application for either service or disability retirement.

(1) Standard allowance. A retired member shall receive the monthly retirement allowance provided by RCW 41.26.460 (1)(a) based solely on the life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.26.460 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

**WSR 91-03-015**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed January 7, 1991, 10:27 a.m.]

Date of Adoption: January 7, 1991.

Purpose: To provide permanent rules for the adoption of survivor benefit options for members of Washington public employees' retirement system (PERS), plans I and II, chapter 41.40 RCW, as required by chapter 249, Laws of 1990.

Statutory Authority for Adoption: RCW 34.05.050 and chapter 249, Laws of 1990.

Pursuant to notice filed as WSR 90-21-062 on October 15, 1990.

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

January 7, 1991  
George Northcroft  
Director

Chapter 415-108 WAC  
Additional Survivor Benefit Options for the Public  
Employees' Retirement System Offered by Department  
of Retirement Systems

#### NEW SECTION

WAC 415-108-320 BACKGROUND AND PURPOSE. (1) Background - Chapter 249, Laws of 1990

(Substitute House Bill No. 2643) provides that the department shall adopt rules establishing survivor benefit options to retiring eligible members of Washington Public Employees' Retirement Systems, Plan I and Plan II, chapter 41.40 RCW. Under the law as amended, upon retirement for service or for disability, a retiring PERS member (Plan I or Plan II) is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a PERS member selects a survivor benefit option, upon the retired member's death, a portion of the member's reduced monthly retirement allowance as designated will be continued throughout the life of and paid to a designated survivor, at a joint and one hundred percent survivor option, or at a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.40 and 41.40.660(2), as amended.

(2) Purpose - This chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

#### NEW SECTION

WAC 415-108-322 DEFINITIONS FOR PURPOSES OF SECTIONS 415-108-320 THROUGH 415-108-326. (1) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(2) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(3) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent".

(4) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(5) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

#### NEW SECTION

WAC 415-108-324 MARRIED MEMBER'S BENEFIT SELECTION - SPOUSAL CONSENT REQUIRED. The member, if married, must provide the written consent of his or her spouse to the option selected under section 415-108-326. If a married member does not provide spousal consent, the department will

pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 41.40 and 41.40.660(2), as amended.

#### NEW SECTION

WAC 415-108-326 OPTIONS. Chapter 249, Laws of 1990 (SHB 2643), as it amends RCW 41.40.185, RCW 41.40.190, RCW 41.40.230, RCW 41.40.235, RCW 41.40.250, RCW 41.40.660 and RCW 41.40.670, provides three benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a Cost of Living Adjustment (COLA) option. The choice of option is to be made upon application for retirement, either for service or for disability.

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided by RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660 or 41.40.670 based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.40, as amended.

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

**WSR 91-03-016**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed January 7, 1991, 10:29 a.m.]

Date of Adoption: January 7, 1991.

Purpose: To provide permanent rules for the adoption of survivor benefit options for members of teachers' retirement systems, Plans I and II, chapter 41.32 RCW, as required by chapter 249, Laws of 1990.

Statutory Authority for Adoption: RCW 34.05.050 and chapter 249, Laws of 1990.

Pursuant to notice filed as WSR 90-21-064 on October 15, 1990.



Effective Date of Rule: Thirty-one days after filing.  
 January 7, 1991  
 George Northcroft  
 Director

Chapter 415-112 WAC  
 Additional Survivor Benefit Options for the Teachers'  
 Retirement System Offered by Department of  
 Retirement Systems

NEW SECTION

WAC 415-112-720 BACKGROUND AND PURPOSE. (1) Background - Chapter 249, Laws of 1990 (Substitute House Bill No. 2643) provides that the department shall adopt rules establishing additional survivor benefit options for retiring eligible members of Teachers' Retirement Systems (TRS), Plan I and Plan II, chapter 41.32, RCW. Under the law as amended, upon application for retirement for service or for disability, a retiring TRS member (Plan I or Plan II) is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a TRS member selects a survivor's benefit option, upon the retired member's death, a portion of the member's reduced monthly retirement allowance as designated will be continued throughout the life of and paid to a designated survivor, by either a joint and one hundred percent survivor option, or a joint and fifty percent survivor option. The member must provide the written consent of his or her spouse, if married, to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.32.530(2) and 41.32.785(2), as amended.

(2) Purpose - This chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

NEW SECTION

WAC 415-112-722 DEFINITIONS FOR PURPOSES OF SECTIONS 415-112-720 THROUGH 415-112-727. (1) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(2) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(3) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent".

(4) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(5) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

NEW SECTION

WAC 415-112-725 MARRIED MEMBER'S BENEFIT SELECTION - SPOUSAL CONSENT REQUIRED. The member, if married, must provide the written consent of his or her spouse to the option selected under section 415-112-727. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 41.32.530(2) and 41.32.785(2), as amended.

NEW SECTION

WAC 415-112-727 OPTIONS. Chapter 249, Laws of 1990 (SHB 2643), as it amends RCW 41.32.498, RCW 41.32.530, RCW 41.32.785 and RCW 41.32.790, provides benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a Cost of Living Adjustment (COLA) option. The choice of option is to be made upon application for either service or disability retirement.

(1) Maximum benefit allowance. The retired member elects to receive the maximum benefit to which they are entitled, with no survivor or beneficiary allowance. Upon the retired member's death, any remaining balance in employee contributions is retained by the retirement system.

(2) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 41.32.530 (Plan I) or RCW 41.32.785 (Plan II) based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.32.530 and 41.32.785.

(3) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.

(4) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the member's monthly retirement allowance for the duration of the survivor's life.

**WSR 91-03-017**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed January 7, 1991, 2:13 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To implement section 1, chapter 185, Laws of 1990.

Citation of Existing Rules Affected by this Order: Amending WAC 308-77-250.

Statutory Authority for Adoption: RCW 82.38.260.

Pursuant to notice filed as WSR 90-20-089 on October 1, 1990.

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

January 4, 1991

Mary Faulk  
 Director

**AMENDATORY SECTION** (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-250 POWER TAKE-OFF USE. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, ~~((or))~~ fuel or heating oils, or milk picked up from a farm or dairy storage tank by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered or milk picked up. Pumping of gasoline, or other refined petroleum products or any other product, is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) All claims must be accompanied by purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(4) A schedule of vehicle operations shall support each claim for refund.

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

**WSR 91-03-018**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed January 7, 1991, 2:15 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To implement section 81, chapter 250, Laws of 1990, and section 83, chapter 250, Laws of 1990.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-77-080; and amending WAC 308-77-100.

Statutory Authority for Adoption: RCW 82.38.260.

Pursuant to notice filed as WSR 90-20-127 on October 3, 1990.

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

January 4, 1991

Mary Faulk  
 Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-77-080 EXEMPTION FROM PAYMENT OF TAX TO A DESIGNATED SPECIAL FUEL DEALER.

**AMENDATORY SECTION** (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-100 CREDIT FOR BAD DEBT LOSSES OF SPECIAL FUEL DEALERS. The amount of tax reported and paid by a special fuel dealer included in an account found to be worthless and charged off for federal income tax purposes may be taken as a credit against the tax due on a subsequent special fuel tax report of the dealer ~~((provided, that the amount claimed shall not exceed the amount of special fuel tax charged on such sale, less the amount of current state retail sales tax on the difference between the purchase price of such sale and the amount of special fuel tax and federal tax charged))~~.

The right to the tax credit arises in the month in which the account is reported as a bad debt on the dealer's federal income tax return ~~((found to be worthless and charged off for federal income tax purposes))~~. The credit may be taken in the report of the dealer for that month or in any subsequent report filed within three years thereafter, provided the dealer must first furnish the department proof that the bad debt has been properly charged off for federal income tax purposes. A copy of the dealer's federal income tax return and a supporting schedule listing the bad debt charged off shall be sufficient proof for the department to establish the credit.

~~((A special fuel dealer using the reserve method to account for bad debts for federal income tax purposes shall not take the credit until after the account is found to be worthless and charged against the reserve.))~~

No tax credit is allowable for any portion of a debt recovered that is retained by or paid to any person as compensation for his services or expenses in collecting the account.

If any account with respect to which credit has been taken is subsequently collected in whole or in part, the special fuel dealer shall apply the amount collected rateably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period.

**WSR 91-03-019**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed January 7, 1991, 4:14 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To revise advertising regulations for vehicle dealers.

Citation of Existing Rules Affected by this Order: Amending WAC 308-66-152.

Statutory Authority for Adoption: RCW 46.70.180 and 46.70.160.

Pursuant to notice filed as WSR 90-23-095 on November 21, 1990.

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

January 4, 1991

Mary Faulk  
Director

**AMENDATORY SECTION** (Amending WSR 90-20-086, filed 9/28/90, effective 10/29/90)

**WAC 308-66-152 UNLAWFUL PRACTICES.**

(1) Examples of unlawful acts or practices, as defined by RCW 46.70.180 (1)(a), include, but are not limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," "no cash out of your pocket," "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount, including factory rebates in excess of that represented, is required from the purchaser. A dealer's plan to have all or a portion of the selling price financed by a third party does not relieve the dealer of an obligation to refrain from this prohibited type of advertising. When any of these representations are made a payment disclosure shall be made as contained in subsection (6) of this section.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), include, but are not limited

to representations such as "one hundred percent financing" if the terms of the purchase involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it shall be listed on the security agreement containing the vehicle's description, not on a separate agreement.

(3) It shall be considered false, deceptive or misleading, and thereby unlawful, to advertise with words, phrases, or initials which are not clear and conspicuous and easily comprehended by persons other than those closely allied with the vehicle industry.

(a) Clear and conspicuous within an advertisement shall mean:

(i) In the case of a television advertisement, the information required to be disclosed shall be completely disclosed audibly, visually, or a combination thereof.

(A) If made visually, shall be made in a type size sufficiently large to be read with reasonable ease; shall appear on the television screen for at least seven seconds; shall be in print type of a color or shade that contrasts readily with the background; shall not be obscured by other words or images appearing on the television screen; and

(B) If made audibly, shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average television listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(ii) In the case of a radio advertisement, the information required to be disclosed shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average radio listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(iii) In the case of a printed advertisement, the information required to be disclosed shall be made in a type size which shall be sufficiently large to be read with reasonable ease and shall be made in relatively close proximity to each of the terms which require that the disclosures be made; disclosures shall be made in such color and contrast so as not to be obscured by other words or pictures appearing in the advertisement.

(b) Examples of words, phrases, or initials which are not easily comprehended by persons other than those closely allied with the vehicle industry, and that may not be used without explaining their meaning in the same advertisement, include but are not limited to: Executive; capitalized cost reduction, o.a.c., c.f., f.o.b. The words annual percentage rate may be abbreviated to read A.P.R. or apr.

(4) Examples of false, deceptive or misleading, and thereby unlawful statements or representations within the meaning of RCW 46.70.180(1) include, but are not limited to:

(a) Advertising a used vehicle for sale that is not available at the time the advertisement is placed;

(b) Advertising a new vehicle as available for immediate delivery if it is available only on order;

(c) Advertising any offer in connection with the sale of a vehicle or model or type of vehicle without disclosing any material limitations, including, but not limited

to, the time limit, or that there is no time limit on the offer;

(d) Advertising using a picture:

(i) Of a new vehicle which does not substantially show the same vehicle offered for sale; or

(ii) Of a used vehicle which is not the same vehicle offered for sale;

(e) Causing an advertisement to be placed by a dealer or dealer representative that does not identify the dealer by his/her complete business name, or by the word "dealer" or abbreviation "DLR";

(f) Incorporating in the dealer's name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the use of "wholesale," when a dealer's business is substantially retail, or "discount" when the price and policy of a dealer does not provide substantial discounts;

(g) Advertising a not-new vehicle manufactured less than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," or "rental" may be used in conjunction therewith, but not so as to create ambiguity as to whether a said vehicle is new, used, or a demonstrator.

(h) Advertising a "rebuilt vehicle" for sale with knowledge as defined in RCW 46.70.101 (1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;

(i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;

(i) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or

(ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: PROVIDED, HOWEVER, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;

(j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;

(k) Adding charges, costs, or items to the advertised price other than the selling price of additional equipment ordered by the purchaser, sales tax, and license fees. "Additional equipment ordered by the purchaser" shall

not include options already installed on the vehicle at the time of advertising;

(l) Expressing "advertised price" as a combination of:

(i) Dollar figures and words unless all component figures and the total dollar figure is expressed; or

(ii) Dollar figures and dollar figures unless all component figures and the total dollar figure is expressed;

(m) Advertising that a new vehicle or model or type of vehicle will be sold for a certain amount above or below invoice or cost without:

(i) Disclosing the actual dollar amount being referred to as "invoice";

(ii) Stating the final, total price for each vehicle, which may exclude sales taxes and license fees; and

(iii) Computing invoice as the actual cost to the dealer to get each vehicle from the manufacturer.

In computing "invoice" the dealer may include the actual cost of transportation of the vehicle from the manufacturer to the dealer, but must exclude dealer holdbacks, other manufacturer incentives, optional advertising fees, dealer overhead expenses, and other similar expenses;

(n) Advertising that a new or used vehicle is reduced in price from a former price, or that the advertised price is a percentage of dollar amount savings from a former price, or words to that effect, unless the seller actually recently advertised or has records showing that vehicle has been offered for sale at the former price;

(o) Advertising or offering:

(i) Any rebate that is not an authorized manufacturer's rebate paid directly to the consumer, which the consumer may apply to the purchase; and

(ii) Any manufacturer's rebate for which the manufacturer requires any financial participation by the dealer, without also clearly and conspicuously stating the following disclosure: "Dealer participation in this rebate program may increase vehicle price before rebate";

(p) Advertising that "any written price quote will be beaten," "any deal will be accepted," or that a dollar amount is guaranteed on any "push, pull or drag," trade-in, or words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(q) Advertising a vehicle or model or type of vehicle as being available at "lowest cost," "best deal" or other words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(r) Advertising an interest rate that is adjustable without clearly and conspicuously disclosing that the interest rate is adjustable;

(s) Advertising a vehicle or model or type of vehicle for sale at a financing rate which has been bought down by the dealer, without disclosing the actual annual percentage rate.

(5) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(a) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(b) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(6) ((Any)) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state the amount or percentage of the down payment required, or that no down payment is required, the amount of any payment or the number of payments or the period of repayment, the amount of any finance charge or that there is no charge for credit, unless it states clearly and conspicuously all of the following items:

(a) The cash price or the amount of the loan as applicable;

(b) The amount or percentage of the down payment required, or that no down payment is required, as applicable;

(c) The number, amount, and frequency of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate;

(e) The deferred payment price or the sum of the payments as applicable;

(f) The specific model or type of vehicle(s) to which the advertised offer applies; and

(g) Any other conditions material to the advertised offer.

(7) Any advertisement to aid, promote, or assist directly or indirectly a consumer lease with option to purchase must state clearly that the advertisement offers a lease with option to purchase rather than a vehicle sale.

**WSR 91-03-020**  
**RULES COORDINATOR**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed January 7, 1991, 4:59 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Washington State Department of Agriculture is Deborah L. Anderson, 4th Floor General Administration Building, Mailstop AX-41, Olympia, Washington 98504, phone (206) 753-5035 or 234-5035 scan.

Michael V. Schwisow  
 Deputy Director

**WSR 91-03-021**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—January 2, 1991]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Surgery.

Meeting Dates	Location	Time
Fridays	RR-401; HSB UWMC Faculty Meeting	7:00 a.m.

Wednesdays	3 East Auditorium Providence Hospital Surgical Grand Rounds	7:00 a.m.
Wednesdays	3 East Auditorium Providence Hospital Basic Science Lectures	8:00 a.m.
3rd Monday every other month	RR-401; HSB Department Faculty Meeting	5:00 p.m.

**WSR 91-03-022**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—January 2, 1991]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Departments of Neurological Surgery.

**General Faculty Meeting**  
**Department of Neurological Surgery**

Meeting Dates	Location	Time
Monday, March 4	HMC 10C-14	5:00
Monday, June 3	HMC 10C-14	5:00
Monday, September 9	HMC 10C-14	5:00
Monday, December 2	HMC 10C-14	5:00

**WSR 91-03-023**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—January 3, 1991]

The regular meeting scheduled for February 5, 1991, has been changed to February 12, 1991. The meeting will begin at 6:00 p.m. in the President's Board Room at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

**WSR 91-03-024**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**  
 [Memorandum—January 3, 1991]

All regular meetings of the board commence at 8:00 a.m. and are held in the Board Room of the Administration Building on the College Campus, 16101 Greenwood Avenue North.

Friday	January 18, 1991
Friday	February 15, 1991
Friday	March 15, 1991
Friday	April 19, 1991
Friday	May 17, 1991
Friday	June 21, 1991
Friday	July 19, 1991
Friday	August 16, 1991
Friday	September 20, 1991

Friday October 18, 1991  
Friday November 15, 1991  
Friday December 20, 1991

Date of Intended Adoption: January 8, 1991.  
January 8, 1991  
Judith A. Bendor  
Chair

**WSR 91-03-025**  
**RULES COORDINATOR**  
**DEPARTMENT OF ECOLOGY**  
[Filed January 8, 1991, 11:30 a.m.]

The rules coordinator for the Department of Ecology is Eva Shinagel, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711.

Fred Olson  
for Christine Gregoire  
Director

**WSR 91-03-026**  
**NOTICE OF PUBLIC MEETINGS**  
**HARDWOODS COMMISSION**  
[Memorandum—January 7, 1991]

There will be a meeting of the Washington State Hardwoods Commission on January 9, 1991, 10:00 a.m. until 2:00 p.m. at the John O'Brien Building, Hearing Room E, Olympia, Washington.

**WSR 91-03-027**  
**PROPOSED RULES**  
**POLLUTION CONTROL**  
**HEARINGS BOARD**  
[Filed January 8, 1991, 4:29 p.m.]

Continuance of WSR 90-14-097.  
Title of Rule: Rules of practice and procedure and public records.

Purpose: To update and simplify the procedural rules of the Pollution Control Hearings Board; and to repeal public records provisions which have been incorporated into chapter 198-12 WAC.

Other Identifying Information: Amendments of chapter 371-08 WAC; and repealing chapter 371-12 WAC.

Statutory Authority for Adoption: RCW 43.21B.110(3).

Statute Being Implemented: Chapter 43.21B RCW.

Summary: Updating of procedural rules to reflect statutory changes and actual board practices.

Reasons Supporting Proposal: New Administrative Procedure Act, amendments to chapter 43.21B RCW, and desire to clarify and simplify rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judith A. Bendor, Lacey, 459-6327.

Name of Proponent: Pollution Control Hearings Board, governmental.

**WSR 91-03-028**  
**PERMANENT RULES**  
**POLLUTION CONTROL**  
**HEARINGS BOARD**  
[Filed January 8, 1991, 4:34 p.m.]

Date of Adoption: January 8, 1991.

Purpose: To update and simplify the procedural rules of the Pollution Control Hearings Board. To repeal public records provisions which will be incorporated into chapter 198-12 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-005, 371-08-010, 371-08-020, 371-08-030, 371-08-032, 371-08-035, 371-08-040, 371-08-065, 371-08-071, 371-08-075, 371-08-080, 371-08-085, 371-08-100, 371-08-104, 371-08-125, 371-08-130, 371-08-140, 371-08-144, 371-08-155, 371-08-156, 371-08-165, 371-08-180, 371-08-186, 371-08-187, 371-08-188, 371-08-189, 371-08-195, 371-08-196, 371-08-200, 371-08-215, 371-08-220, 371-08-230, and 371-08-240; and repealing WAC 371-08-015, 371-08-031, 371-08-045, 371-08-095, 371-08-102, 371-08-105, 371-08-110, 371-08-115, 371-08-120, 371-08-131, 371-08-132, 371-08-135, 371-08-160, 371-08-163, 371-08-175, 371-08-190, 371-08-201, 371-08-205, 371-08-210, 371-08-245, 371-12-010, 371-12-020, 371-12-030, 371-12-040, 371-12-050, 371-12-060, 371-12-070, 371-12-080, 371-12-090, 371-12-100, 371-12-110, 371-12-120, and 371-12-130.

Statutory Authority for Adoption: RCW 43.21B.110(3).

Pursuant to notice filed as WSR 90-14-097 on July 5, 1990; and WSR 91-03-027 on January 8, 1991.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules differ from the model rules of RCW 34.05-.250. These amended rules, as for the past 19 years, adopt the Civil Rules of Court. We deem these to have served the public well. These 1990 amendments to the Rules of Procedure of the Pollution Control Hearings Board are to update the rules to conform to developments in case law and statutes. Among statutes, these rules reflect changes in both the Administrative Procedure Act, chapter 34.05 RCW and the Board's Enabling Act, chapter 43.21B RCW. The intent is to codify established procedure and simplify the rules wherever possible. There was no substantial difference between the text of the proposed rule as published in the register and the text of the rule as adopted.

Effective Date of Rule: Thirty-one days after filing.  
January 8, 1991  
Judith A. Bendor  
Chair

NEW SECTION

WAC 371-08-001 PURPOSE AND APPLICABILITY. (1) The purpose of chapter 371-08 WAC is to provide comprehensive rules of practice and procedure before the pollution control hearings board (hereinafter board).

(2) This chapter shall apply to all procedural matters before the board and replaces chapters 1-08 and 10-08 WAC, except where specifically noted.

NEW SECTION

WAC 371-08-002 COMMENCEMENT OF ADJUDICATIVE PROCEEDINGS. An adjudicative proceeding before the board shall be initiated by filing a notice of appeal with the board and the service of a copy thereof on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished as provided in WAC 371-08-080.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-005 MEMBERSHIP, FUNCTION AND JURISDICTION. (1) Members. The ~~((pollution control hearings))~~ board ~~((hereinafter board))~~ is ~~((an independent agency of the state of Washington))~~ composed of three members appointed by the governor, with the advice and consent of the senate, for a term of six years. The members are to be qualified by experience or training in pertinent matters pertaining to the environment, and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(2) Function and jurisdiction. The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of ecology ~~((hereinafter department) or its director; and))~~ from the decisions of air pollution control ~~((boards or))~~ authorities established pursuant to chapter 70.94 RCW, and from the decisions of local health departments, when such orders and decisions concern matters within the jurisdiction of the board as provided in ~~((the act creating it or any subsequent legislation (chapter 43.21B RCW).))~~ RCW 43.21B.110:

(a) ~~((Appeals will lie from the issuance, modification or termination of any permit or license issued by the department or air pollution control boards or authorities, including the issuance, modification, or termination of waste disposal permits; the denial of the application for such permits, or the denial of an application for the modification of the terms of such permits.~~

(b) ~~The board also has jurisdiction to hear and decide appeals from any person aggrieved by an order issued by the department or by such air pollution control boards or authorities with respect to violations of any law administered by the department or of any rule or regulation adopted by the department or by air pollution boards or authorities, inclusive of any variances which the department or air pollution boards and authorities may be~~

~~authorized to grant, but exclusive of appeals based upon claimed violations of their purely administrative rules and regulations. The board further has jurisdiction to hear and decide appeals from any person aggrieved by any final decision contained in the document issued by the department pursuant to the Environmental Coordination Procedures Act, RCW 90.62.060(6).~~

~~(c)) Civil penalties imposed pursuant to RCW 70.94.431, 70.105.080, 70.107.050, 90.03.600, 90.48.144, and 90.48.350.~~

~~(b) Orders issued pursuant to RCW 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 90.14.130, 90.48.120.~~

~~(c) The issuance, modification, termination or denial of any permit certificate or license by the department of ecology or any air pollution control authority.~~

~~(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.~~

~~(e) Any other decision by the department of ecology or an air pollution control authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.~~

~~(3) ECPA. The board also has jurisdiction to hear and decide appeals from any final decision contained in the document issued by the department of ecology pursuant to RCW 90.62.060(6) of the Environmental Coordination Procedures Act.~~

~~(4) This section is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction.~~

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-010 BOARD ADMINISTRATION—OFFICE AND ADDRESS OF THE BOARD.

(1) The administrative business of the board is performed by the Environmental Hearings Office, which holds regular meetings at 10:00 a.m. on the second Tuesday of each month, pursuant to WAC 198-12-030, at the address set forth below and at such other times and places as the chairperson shall designate.

(2) The ~~((headquarters and principal office of the))~~ board is housed at the office of the Environmental Hearings Office, 4224 6th Avenue S.E., Building 2 Rowsix, ~~((Mailstop: PY-21,))~~ Lacey, Washington. ~~((Telephone No. (206) 459-6327.))~~ The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(3) The mailing address of the board is:

Pollution Control Hearings Board  
Mailstop: PY-21  
Olympia, WA 98504

(4) The telephone number of the board is (206) 459-6327. The telefacsimile number is (206) 438-7699.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-020 BOARD ADMINISTRATION—QUORUM. Two members of the board shall constitute a quorum for making orders or decisions, or for promulgating rules and regulations relating to its procedures, and may act although one position on the board be vacant (~~((RCW 43-21B-090))~~). One member or designated administrative (~~(law)~~) appeals judge may hold hearings and take testimony when assigned by the (~~(board)~~) chairperson to so do. The findings of such member or administrative (~~(law)~~) appeals judge shall not become final until approved by a quorum of the board. (~~(The lawyer member shall be the chief administrative law judge.)~~)

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-030 BOARD ADMINISTRATION—COMMUNICATIONS WITH THE BOARD—PUBLIC RECORDS. (1) All written communications by parties pertaining to a particular case, including (~~(requests for hearings on claimed violations of rules and regulations as specifically provided in RCW 43-21B-120;))~~ notices of appeal (~~(from orders and decisions of the director and/or department;))~~ and applications and requests for relief of any kind, shall be filed with the board (~~(at its principal office in Lacey, Washington))~~ either by manual delivery, by mail or by telefacsimile. Copies of all such written communications shall be furnished to the (~~(department or other))~~ appropriate agency and to all other interested parties (~~(or their representatives of record;))~~ and the original filed with the board shall show thereon compliance with this requirement.

(2) Public records maintained by the board are available for public inspection and copying as provided in chapter 198-12 WAC. The form for requests for public records is set forth in WAC 198-12-140.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-032 DEFINITIONS. As used in this chapter the following terms shall have the following meaning:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any governmental entity—department of ecology, air pollution control authority, local health department, or other agency—whose decisions the board has jurisdiction to review.

(3) "Board" ((refers to and)) means the pollution control hearings board as described in WAC 371-08-005. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

~~((2))~~ (4) "Department" refers to and means the department of ecology.

~~((3))~~ (5) "Filing" of a document that is required to be filed with the board means delivery of the document to the office of the board. Filing by telefacsimile transmission is effective only where the transmission is ten pages or less and where the original is simultaneously mailed or sent by commercial service delivery company.

(6) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, or allowed to intervene, or joined as a party by the board.

(7) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency, or entity of any character.

(8) "Presiding officer" ((or "hearing officer" shall mean any)) means a member of the board or ((any person)) an administrative appeals judge who is assigned to conduct a conference or hearing by the ((chairman or by the vice-chairman in event of the chairman's absence)) chairperson.

(9) "Service" means posting in the United States mail, properly addressed, postage prepaid; telefacsimile transmission; or personal service. Service by mail is complete upon deposit in the United States mail. Service by telefacsimile transmission is effective only where copies are simultaneously mailed or sent by commercial service delivery company.

NEW SECTION

WAC 371-08-033 SERVICE OF DOCUMENTS ON REPRESENTATIVES. Service of any document required to be served on a party to a case, including final decisions of the board, may be made by serving the party's representative in the matter.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-035 APPEARANCE AND PRACTICE BEFORE THE BOARD—PERSONS WHO MAY AND MAY NOT APPEAR. (1) No person may appear in a representative capacity before the board (~~(or its designated hearing officer))~~ other than the following:

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

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

~~((3))~~ (b) A bona fide officer, partner ((or)), owner, full-time employee or member of an ((individual firm,)) association, partnership, corporation ((or local)), organization, government ((unit)) subdivision or agency who appears for such ((individual, firm, association, partnership, corporation or local government unit)) entity.

~~((4))~~ (c) Legal interns admitted to practice under APR 9 of the rules of court ((may appear)) appearing



before the board under the conditions and limitations therein specified.

~~((5))~~ (d) Any other individual designated by an entity to serve as spokesperson in a case, with the approval of the presiding officer.

(2) Nothing in this section shall be construed as limiting the right of any individual to represent himself or herself.

(3) No former employee of the department or member of the attorney general's staff may, at any time after leaving the employment of the department or the attorney general, appear, except when permitted by RCW 42.18.220, in a representative capacity on behalf of other parties in a formal proceeding in which an active part as a representative of the department was taken in the same case or proceeding.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, act in a representative capacity before the board on any matter.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-040 APPEARANCE AND PRACTICE BEFORE THE BOARD—APPEARANCE BY REPRESENTATIVE. (1) Appearances may be made on behalf of any party by his or her attorney or other duly authorized representative as defined in WAC 371-08-035, by

(a) Filing a notice of appeal or other pleading or a written notice of appearance containing the name of the party to be represented, and the name, address and telephone number of the representative, or by

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance shall be furnished by the representative to all other parties or their representatives of record at the time the original is filed with the board.

(3) Unless the department notifies the board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives.

(4) ~~((Hereafter))~~ After an appearance by a representative for a party has been made, all future notices and orders shall be served by the board upon such representative. Service upon the representative shall constitute service upon the party.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-065 PRESIDING OFFICER—POWERS AND DUTIES. It shall be the duty of the presiding officer to conduct conferences or hearings in

cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

(1) To administer oaths and affirmations;

(2) To issue subpoenas and enter protective orders as provided in RCW ~~((34.04.105))~~ 34.05.446;

(3) To rule on all procedural matters, objections and motions;

(4) To rule on all offers of proof and receive relevant evidence;

(5) To ~~((interrogate))~~ question witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;

(6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to fairly and equitably decide the appeal;

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;

(8) To issue orders joining other parties, on motion of any party, or ~~((sua sponte))~~ on its own when it appears that such other parties may have an interest in, or may be affected by, the proceedings;

(9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(10) To hold conferences for the settlement or amplification of the issues;

(11) To take or cause to be taken depositions and interrogatories pursuant to these rules and to procedures available to litigants in civil cases in superior courts in the state of Washington;

(12) ~~((To cause to be submitted, written sworn statements as currently provided in WAC 1-08-470 through 1-08-500;~~

~~((+3)))~~ To regulate the course of the hearing;

~~((+4)))~~ (13) To take any other action necessary and authorized by these rules and the law.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-071 SUBPOENAS. (1) Issuance. Subpoenas may be issued by ~~((any member of the board; or))~~ the presiding officer assigned to the case, or by ~~((the))~~ an attorney of record, as provided in RCW ~~((34.04.105))~~ 34.05.446. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by ~~((a person from the board))~~ the presiding officer shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, and shall prepare the subpoenas for issuance, send them to the board's office for signature, and upon return shall make arrangements for service.

(2) Form. Every subpoena shall name the pollution control hearings board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) Service. Service of subpoenas shall be made by delivering a copy of the subpoena to such person and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgement of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) Quashing. Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person to whom the subpoena is directed and upon notice to the party for whom the subpoena was issued, the ((board or its)) presiding officer may (a) quash, or (b) modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (c) condition denial of the motion upon just and reasonable conditions.

(6) Geographical scope. Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-075 APPEALS TO THE BOARD—CONTENTS OF NOTICE OF APPEAL. The notice of appeal shall contain:

(1) The name, mailing address ((and)), telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) ~~((The appealing party's legal residence or principal place of business within the state;))~~ Identification of the parties, by listing in the caption or otherwise. In every case, the agency whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application;

(4) A short and plain statement showing the grounds upon which the appealing party considers such order or decision to be unjust or unlawful~~((, and if one of the grounds so asserted is failure to comply with RCW 43-21C.030 (2)(c) (SEPA), three copies of any environmental impact statement if available to appellant));~~

(5) A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal.

(6) The relief sought, including the specific nature and extent;

~~((6))~~ (7) A statement that the appealing party has read the notice and believes the contents to be true, followed by the party's signature and the signature of the representative, if any. If the appealing party is unavailable to sign the notice of appeal, it may be signed by the representative.

(8) All pleadings shall be so construed as to do substantial justice.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-080 APPEALS TO THE BOARD—TIME FOR FILING APPEALS. (1) Unless provided otherwise by law, the notice of appeal shall be filed within thirty days from the date the copy of the order or decision of the ((department or other)) agency ((or pollution control board (or authority))) was communicated to the appealing party. ~~((The original and one copy of the notice of appeal shall be filed, by mail or otherwise, with the board.))~~ The date of filing shall be the date of actual receipt by the board. Receipt of an appeal shall be acknowledged by the board; the date stamp placed thereon shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed.

(2) ~~((If the appeal is of a decision or order of the department, one))~~ Within the same thirty-day period, a copy of the notice of appeal shall be ((filed)) served, by mail or otherwise, ((with)) on the ((director of ecology. If the decision or order appealed from is made by another agency or an air pollution control board (or authority), a notice of appeal shall also be filed with that agency or board (or authority). If the appeal involves a license or permit, a copy of the notice of appeal shall also be mailed to the holder thereof)) agency whose decision is being appealed. Proof of such service may be made by certificate or affidavit filed with the board.

(3) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal.

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

WAC 371-08-085 APPEALS TO THE BOARD—JURISDICTIONAL REQUIREMENTS—DISMISSAL ((OF APPEAL)) ON JURISDICTIONAL GROUNDS. (1) Timely filing of the notice of appeal with the board and timely service of the notice of appeal on the appropriate agency must both be accomplished for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear an appeal ~~((on jurisdictional grounds)),~~ and the board may ~~((sua sponte))~~ on its own raise the jurisdictional issue. The board ~~((may))~~ shall, when satisfied that it does not have jurisdiction, dismiss an appeal.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-100 APPEALS TO THE BOARD—CORRECTION OR AMENDMENT OF NOTICE. ~~((+))~~ Within thirty days of receipt by the board, if any notice of appeal is found ((by the board)) to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of ((the statute and)) the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of such appeal upon failure to comply within a specified time.

~~((2) Prior to the scheduling of the hearing, the party appealing may amend the notice of appeal at any time; thereafter, such amendment may be made on such terms as the board or presiding officer may prescribe, and the presiding officer may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed, or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the board may issue an appropriate order which may include dismissal of the appeal.))~~

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-104 APPEALS TO THE BOARD—STAYS. (1) ((The existing law relating to the staying of appealed orders or decisions pending final determination by the board applies to pending matters:

(2) In an appropriate case, a party may apply for a stay of an appealed order or decision. Written application for such stay must be clearly designated as such in the title, preferably by a separate document. The factual and legal reasons for the granting of a stay shall be stated, and the application shall be supported by affidavits, where appropriate. The original application and one copy shall be filed with the board, and one copy shall be served on the appropriate agency and permit holder (if such holder is not the moving party), if any.)) A person appealing an order not stayed by the issuing agency, may obtain a stay of the effectiveness of that order only as set forth in this section.

(2) An appealing party may request a stay by including such a request in the notice of appeal or in a subsequent motion. The request must be accompanied by a statement of grounds for the stay and evidence setting forth the factual basis upon which the request is based.

(3) Upon receipt of ((an application)) a request for a stay, the board will ((schedule a hearing on the motion)) confer with the parties regarding its disposition. If necessary, a hearing on the motion will be held. If it appears that a hearing on the merits and issues of the case should be consolidated with the ((application)) request for a stay, the board will advance the hearing date on its own initiative, or by request of the parties.

(4) The requestor makes a prima facie case for a stay if the requestor demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the board shall grant the stay unless the agency demonstrates either (a) a substantial probability of success on the merits or (b) likelihood of success and an overriding public interest which justifies denial of the stay.

(5) Unless otherwise stipulated by the parties, the board, after granting or denying a request for a stay, shall expedite the hearing and decision on the merits.

(6) Any party aggrieved by the grant or denial of a stay by the board may petition the superior court of Thurston County for review of that decision pending the hearing on the merits before the board.

## NEW SECTION

WAC 371-08-106 APPEALS TO THE BOARD—INTERVENTION. (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervener pursuant to Civil Rule 24.

(2) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

WAC 371-08-125 CONFERENCES—PURPOSE OF PREHEARING CONFERENCES. The purpose of a prehearing conference shall be ((to obtain a stipulation of facts to show the board's jurisdiction in the matter; to obtain agreement as to the issues of law and fact presented and the simplification or limitation thereof; to determine the necessity of amendments to the notice of appeal or other pleadings; to determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof; to determine the admissibility of exhibits; to obtain stipulation as to all or part of the facts in the case; to determine the limitation of the number of witnesses; to obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible; to determine the approximate time necessary for the presentation of the evidence of the respective parties; and to obtain all other information which may aid in the prompt disposition of the appeal)):

(1) To determine the feasibility of a settlement of the appeal or, failing settlement;

(2) To prepare the case for hearing by scheduling the hearing and interim dates, by identification of issues, and, to the extent possible, witnesses, exhibits, stipulations, and admissions.

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

WAC 371-08-130 CONFERENCES—WHEN HELD: ((At any time prior to hearing on an appeal, any party thereto may file a written application with the board requesting a prehearing conference.)) (1) The board may, ((thereupon, at its discretion)) upon written request by a party, or ((at any time)) on its own ((motion, order)), schedule a prehearing conference on not less than seven days' notice mailed to each party to the appeal, at a time and place fixed by the board. ((At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to agreement of all parties, convene and preside at a prehearing conference at a time and place agreed upon. Such prehearing conference may also be held immediately at the conclusion of an informal conference if time permits, or, at the discretion of the presiding officer, may be held at a later time on seven days' written notice to each party to the appeal.))

(2) If any party fails to appear at a prehearing conference, the presiding officer may suspend setting a hearing or may continue or deny continuance of a hearing already set or may otherwise restrict the time or location of hearing.

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

~~WAC 371-08-140 CONFERENCES—AGREEMENTS AT PREHEARING CONFERENCES—PREHEARING ORDERS. ((At the conclusion of a prehearing conference, the presiding officer conducting the same shall state on the record the results thereof. The statement shall include the agreements of the parties concerning issues, admissions, witnesses, time and location of hearings, the issues remaining to be determined and other matters that may expedite the subsequent hearing. The statement of agreement and issues, and rulings of the presiding officer, shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.)) (1) When agreement concerning final disposition of the appeal is reached at a prehearing conference, the parties shall thereafter present an agreed order implementing the agreement. If the agreement is in accordance with the law, the board shall enter the agreed order disposing of the appeal.~~

~~(2) After a prehearing conference which has not resulted in settlement, the presiding officer shall set the date of hearing and interim dates and enter a prehearing order. Normally, this will include a statement of issues and lists of witnesses and exhibits or provision for filing such lists, as well as other matters which may bear on the preparation for hearing. The issues stated in the prehearing order shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.~~

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

~~WAC 371-08-144 PREHEARING PROCEDURES—TELEPHONE. ((Parties may agree to conduct)) The board may schedule any conference or motion hearing, ((or any part thereof, provided in these rules)) to be conducted by telephone conference call((: Upon a timely request, the board or its presiding officer may schedule such conference or hearing)), if it appears to promote the fair, speedy and economical processing of ((a) the matter ((compatible with this procedure)).~~

NEW SECTION

WAC 371-08-146 PREHEARING PROCEDURES—USE OF CIVIL RULES—DISCOVERY. Except where in conflict with these rules, the statutes and rules regarding pretrial procedures in the superior courts of this state shall be followed in proceedings before the board. Such rules shall include but not be limited by those rules pertaining to discovery of evidence by parties to civil actions.

NEW SECTION

WAC 371-08-147 PREHEARING PROCEDURES—MOTIONS. (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought.

Written motions may be included in the notice of appeal or filed and served separately.

(2) When a motion is filed, the matter will be scheduled separately. In all cases, the defending party shall have an opportunity to respond.

(3) Unless oral argument is requested, a motion will be decided on the written record.

NEW SECTION

WAC 371-08-148 PREHEARING PROCEDURES—SUMMARY JUDGMENT. The board will entertain a motion for summary judgment on some or all of the substantive issues of a case pursuant to the provisions of Civil Rule 56.

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

~~WAC 371-08-155 HEARINGS—ELECTION OF TYPE OF HEARINGS. ((In all appeals over which the board has jurisdiction, the party taking the appeal may elect a formal or informal hearing. If different parties appeal from the same order and one)) When a party elects a formal hearing, the hearing will be formal. If no party ((taking an appeal of an order)) makes an election, the hearing will be informal. ((However, notwithstanding any election of a party taking an appeal, the department or any air pollution control board or authority may,)) An agency whose decision is appealed shall, within ten days after receiving a notice of appeal, notify the board of its intention that the hearing be formal ((and when such notice of intention is filed, the hearing will be formal)).~~

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

~~WAC 371-08-156 HEARINGS—ASSIGNMENT ((DAY—TIME)) OF DATES. (1) ((As a general rule, the board, or its designee, shall assign hearing days for cases before it for review on the first Tuesday of each month. PROVIDED, That if such day falls on a legal holiday, the assignment day shall be the next working day. The board in its discretion may make such assignments at other times.~~

~~(2) The board or its designee may set prehearing conference dates at the same time and on the same conditions as that set out in subsection (1) above.~~

~~(3) In all cases, the chairman shall be consulted before assignments are finalized.)) The board will assign a prehearing conference date or date(s) for the hearing on the merits, and advise the parties thereof by letter.~~

~~(2) Normally, when a prehearing conference is held, the scheduling of the hearing on the merits will be deferred until the prehearing conference.~~

~~(3) When the board schedules a hearing, it shall mail a written notice thereof to all parties not less than ten days prior to the hearing date.~~

NEW SECTION

WAC 371-08-162 HEARINGS—DEFAULT. (1) If a party fails to attend or participate in a hearing or

other stage of an appeal, the presiding officer may serve on all parties an order of default or other dispositive order, which shall include a statement of the grounds for the order.

(2) Within ten days after receipt of an order under subsection (1) of this section, the party against whom it was entered may file and serve a written motion requesting that the order be vacated and stating the grounds relied upon.

**Reviser's note:** The unnecessary underscoring 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 82-1, Resolution No. 82-1, filed 8/18/81)

**WAC 371-08-165 HEARINGS—CONTINUANCES, ((HEARING POSTPONEMENTS AND)) DISMISSAL. (1) ((Continuances.**

~~(a) Pursuant to agreements at prehearing conference. If agreement is reached at a prehearing conference, continuances shall be granted in accordance with such agreement and no written application therefor shall be required.~~

~~(b) Requests prior to hearing. If, prior to the hearing date, a party is not able to fully present evidence at the scheduled hearing, such party shall file a written request for continuance with the board setting forth the reasons therefor as soon as such reasons are known and deliver copies to all other parties.~~

~~(c) Requests at time of hearing. If reasons requiring a continuance of a hearing are not known in time to permit compliance with subsection (b) of this section, application therefor may be made orally at the hearing.~~

~~(d) When granted. Applications for a continuance made pursuant to subsections (b) or (c) above shall only be granted upon a proper showing of good cause to prevent manifest injustice. In order to show "good cause," the party applying for a continuance because of the unavailability of a witness or witnesses shall show that due diligence was exercised in attempting to obtain the presence of such witnesses at the time set for hearing and the reasons for their unavailability, and shall identify the witnesses and explain, in substance, what the testimony of such witnesses would prove. In all cases in which a request for continuance is granted, subsequent hearings shall be scheduled.~~

~~(2) Hearing postponements. A postponement of a hearing may be requested by any party after receipt of the notice of hearing. PROVIDED, That written objections are filed within ten days of the receipt of such notice. Copies of such request shall be served on all other parties. If the request is granted, all parties shall be notified of the postponement. Requests for postponement not filed within the ten day period shall be granted only in exceptional cases to prevent manifest injustice.~~

~~In all cases in which a request for postponement is granted, subsequent hearings shall be scheduled in accordance with WAC 371-08-175.~~

~~(3) Dismissal. If the appealing party fails to appear at the scheduled hearing and fails to obtain a continuance or postponement as provided in this section, the appeal shall be dismissed except to prevent manifest injustice or~~

~~unless such party can show good cause for such failure. Such showing shall be made in writing under oath and shall be filed with the board and copies delivered to all other parties not later than ten days after the mailing of the order of dismissal.) Continuance of a hearing is within the discretion of the board, whether contested or uncontested by the parties. The board may continue a hearing on its own motion.~~

~~(2) Normally, motions for continuance should be filed more than three months before the scheduled hearing date, so that any time cleared on the calendar can be productively used for other appeals.~~

~~(3) Prior to moving for a continuance, a person should confer and seek agreement on the matter with the other parties.~~

**AMENDATORY SECTION** (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

**WAC 371-08-180 HEARINGS—PROCEDURES AT HEARINGS. (1) Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Testimony under oath. Oaths shall be administered by the presiding officer or other officer with authority to administer oaths. All testimony to be considered by the board shall be sworn, and each person shall swear (or affirm) that the testimony about to be given shall be the truth, the whole truth, and nothing but the truth.

(3) Recording.

(a) An official record of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

(4) Order of presentation of evidence.

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce its evidence, except that in case of an appeal from a regulatory order or an order assessing a penalty, the ((department (or air pollution board))) agency, shall initially introduce all evidence necessary to its case. ~~((Rebuttal evidence will then be received.))~~

(b) The opposing party shall present its evidence after the party initially presenting evidence has rested.

(c) Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(d) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

~~((4))~~ (5) Opening statements. Unless the presiding officer rules otherwise, parties may present an oral opening statement setting out briefly a statement of the basic facts, disputes, and issues of the case.

~~((5))~~ (6) Written statement of qualifications of expert witnesses. Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to the board and all parties at the

hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

~~((6))~~ (7) Former employee as an expert witness. No former employee of the department shall, at any time after leaving the employment of the department, appear, except when permitted by RCW 42.18.220, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department was taken.

~~((7))~~ (8) Objections and motions to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon ~~(, and the transcript shall not include extended argument or debate)~~.

~~((8))~~ (9) Rulings. ~~((The presiding officer, on objection or sua sponte, shall exclude all irrelevant or unduly repetitious evidence and))~~ All rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 371-08-185 through 371-08-189.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-183 HEARINGS—STANDARD AND SCOPE OF REVIEW—BURDEN OF PROOF.

(1) The board will apply the specific criteria provided by law in making its decision on each case.

(2) Hearings shall be quasi-judicial in nature and shall be conducted de novo unless otherwise provided by law.

(3) The issuing agency shall have the initial burden of proof in cases involving penalties or regulatory orders. In other cases, the appealing party shall have the initial burden of proof.

NEW SECTION

WAC 371-08-184 HEARINGS—INTERPRETERS. Whenever any person involved in an adjudicative proceeding is an "impaired person" as defined by WAC 10-08-150(1), the board shall comply with the provisions of WAC 10-08-150 and 10-08-160(2).

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

WAC 371-08-186 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. ~~((Subject to the other provisions of these rules,))~~ (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer ((conducting the hearing)), is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer ((conducting the hearing)) shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on

the basis of evidentiary privilege recognized in the courts of this state.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-187 RULES OF EVIDENCE—OFFICIAL NOTICE—MATTERS OF LAW. The ~~((board and its hearing officers))~~ presiding officer, upon request made before or during a hearing, will officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) State law. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; Decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) Agency organization. The department, commission or board organization, administration, officers, personnel, and official publications ~~((, and practitioners before its bar))~~.

(5) Rules of regional authorities. Rules or regulations of air pollution control boards or authorities established pursuant to chapter 70.94 RCW, when such rules or regulations are filed with the board pursuant to RCW 43.21B.260.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-188 RULES OF EVIDENCE—OFFICIAL NOTICE—MATERIAL FACTS. In the absence of controverting evidence, the ~~((board and its hearing officers))~~ presiding officer, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(1) Board proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) Technical knowledge. Matters within the technical knowledge of the board as a body of experts, within the

scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) Statement. Where ~~((an initial or))~~ a final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the ~~((hearing))~~ presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by ~~((appropriate exceptions if such notice be taken in an initial or intermediate decision or by))~~ a petition for reconsideration ~~((if notice of such fact be taken in a final report))~~. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the board ~~((or its authorized agents))~~ from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-189 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer ~~((conducting the hearing))~~ may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. ~~((Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered:))~~

AMENDATORY SECTION (Amending Order 75-1, filed 1/9/75)

WAC 371-08-195 DISPOSITION OF ~~((CONTESTED CASES))~~ ADJUDICATIVE PROCEEDINGS—RECORD. The record before the board in any ~~((contested case))~~ adjudicative proceeding shall consist of the decision or order appealed from, the notice of appeal therefrom, responsive pleadings, if any, and notices

of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 371-08-196, and other proceedings at the hearing, together with all exhibits ~~((offered))~~ admitted. No part of the department's record or other documents shall be made part of the record of the board unless admitted in evidence.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-196 DISPOSITION OF ~~((CONTESTED CASES))~~ ADJUDICATIVE PROCEEDINGS—TRANSCRIPTS. ~~((The following shall be the policy of the board with regard to transcription of the record:))~~

~~((1))~~ If less than two or no members of the board are present at the hearing and if exceptions to the proposed decision and order of the board or presiding officer have been timely filed as provided by WAC 371-08-205, the board shall cause a transcript to be printed for review by the board. Any party may obtain a transcript upon payment of the reasonable cost thereof.

~~((2))~~ (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

~~((3))~~ In any case (2) When the board shall not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript, or ~~((such))~~ portions of it, to order the same from the board reporter and assume the cost of printing same.

AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-200 DISPOSITION OF ~~((CONTESTED CASES—PROPOSED AND))~~ ADJUDICATIVE PROCEEDINGS—FINAL DECISIONS AND ORDERS—PETITION FOR RECONSIDERATION:

(1) ~~((Final:))~~

~~((a))~~ When the hearing on the appeal has been ~~((heard by a majority of the board))~~ concluded, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by ~~((them then))~~ a majority of the board may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

~~((b))~~ (2)(a) After issuance of a final decision ~~((issued under this subsection))~~, any party may file a petition for reconsideration with the board. Such petition must be filed within ~~((eight))~~ ten days of mailing of the final decision. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record. ~~((The original and three copies shall be filed with the board:))~~

~~((c))~~ (b) The filing of a petition for reconsideration ~~((shall suspend))~~ does not stay the effectiveness of the final decision of the board ~~((until the petition is denied))~~



by the board, or a modified decision is entered by the board)).

~~((d))~~ (c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

~~((e))~~ Such final decision and order shall be the final decision of the board for purposes of judicial review.

(2) Proposed: When the hearing on the appeal has been heard by less than a majority of the board or when less than a majority of the board concur in the matter or when the board shall otherwise elect to do so, a written proposed final decision and order shall thereafter be prepared which shall contain findings and conclusions as to each contested issue of fact and law.

The provision of WAC 371-08-205, 371-08-210, and 371-08-215 shall apply to such proposed decision and order. Petitions for reconsideration are not applicable to final decisions issued after such proposed decisions.) (d) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and ~~((proposed decision and order, as the case may be,))~~ of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal ~~((and))~~ or to the attorney or representative of record. Service on the representative shall be deemed to be service on the party.

#### AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-215 DISPOSITION OF ((CONTESTED CASES)) ADJUDICATIVE PROCEEDINGS—FINAL DECISIONS AND ORDERS. ((After the filing of a statement or statements of exceptions, if any, and reply, if any, the filing of briefs or presentation of oral argument, thereon, if required, and the obtaining of additional evidence, if any, as provided for in WAC 371-08-201,)) The record before the board shall be considered by at least two of the members of the board: PROVIDED, That if two members cannot agree on a decision, the third member must consider the record before the board: AND FURTHER PROVIDED, That if two members cannot agree on a decision in any case, the substantive decision of the ~~((department or pollution control board))~~ agency (or authority) will control in those cases where the appealing party has the burden of proof. ~~((Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to the attorney of record.))~~

#### AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-220 APPEALS TO THE COURTS—NOTICE OF APPEAL TO THE SUPERIOR COURT. All appeals from orders of the board, whether after a formal or informal hearing, shall be to a superior court. ~~((See Maple Leaf Investors, Inc. v. Department of Ecology, 10 Wn.App. 586.))~~ The appealing party shall file with the board and all parties of record a copy of the notice of appeal to the superior court.

#### AMENDATORY SECTION (Amending Order 82-1, Resolution No. 82-1, filed 8/18/81)

WAC 371-08-230 APPEALS TO THE COURTS—CERTIFICATION OF RECORD. Upon receipt of a copy of the notice of appeal to the superior court, the board shall certify and transmit to the reviewing court the record made before the board ~~((as set forth in RCW 34.04.130(4) and in accordance with WAC 371-08-195 through 371-08-196)).~~ Normally this will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party appealing to the Superior Court.

#### AMENDATORY SECTION (Amending Order 82-1 Resolution No. 82-1 [Order 75-1], filed 8/18/81 [1/9/75])

WAC 371-08-240 PETITIONS FOR DECLARATORY RULING. ~~((t))~~ Right to petition for declaratory ruling. As prescribed by RCW ~~((34.04.080))~~ 34.05.240, any interested person may petition the board for a declaratory ruling. The provisions of RCW 34.05.410 through 34.05.494 and the provisions of these rules shall apply to petitions for declaratory rulings as to other cases brought before the board.

~~((2))~~ Form of petition. The form of the petition for a declaratory ruling shall generally adhere to the following:

(a) At the top of the page shall appear the wording "Before the pollution control hearings board, state of Washington." On the left side of the page below the foregoing, the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for certification of complaints in the superior courts of this state.

(c) The original and two legible copies shall be filed with the board. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.



~~(3) Consideration of petition. The entire board shall consider the petition, and within a reasonable time shall:~~

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

~~(c) Set a reasonable time and place for a hearing or for submission of written evidence on the matter, and give reasonable notification to the person of the time and place for such hearing or submission, and of the issues involved.~~

~~(4) Disposition of petition. If a hearing is held or evidence is submitted as provided in subsection (3)(c) above, the board shall, within a reasonable time:~~

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

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

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 371-08-015 BOARD ADMINISTRATION—MEETING OF THE BOARD.
- WAC 371-08-031 PROCEDURES APPLICABLE.
- WAC 371-08-045 APPEARANCE AND PRACTICE BEFORE THE BOARD—NO FORMAL ADMISSION TO PRACTICE.
- WAC 371-08-095 APPEALS TO THE BOARD—CROSS-APPEALS.
- WAC 371-08-102 APPEALS TO THE BOARD—RESPONSIVE PLEADINGS.
- WAC 371-08-105 CONFERENCES—TWO TYPES.
- WAC 371-08-110 CONFERENCES—PURPOSE OF INFORMAL CONFERENCES.
- WAC 371-08-115 CONFERENCES—WHEN HELD.
- WAC 371-08-120 CONFERENCES—AGREEMENTS AT INFORMAL CONFERENCES.
- WAC 371-08-131 CONFERENCES—DOCUMENTARY EVIDENCE.
- WAC 371-08-132 CONFERENCES—EXCERPTS FROM DOCUMENTARY EVIDENCE.
- WAC 371-08-135 CONFERENCES—FAILURE TO SUPPLY PREHEARING INFORMATION.
- WAC 371-08-160 HEARINGS—NOTICE OF HEARING.
- WAC 371-08-163 HEARINGS—BRIEFS.
- WAC 371-08-175 HEARINGS—SETTING SUBSEQUENT HEARINGS.
- WAC 371-08-190 DISPOSITION OF CONTESTED CASES—DEFINITION.
- WAC 371-08-201 DISPOSITION OF CONTESTED CASES—PRESENTATION OF ADDITIONAL EVIDENCE.
- WAC 371-08-205 DISPOSITION OF CONTESTED CASES—EXCEPTIONS.

WAC 371-08-210 DISPOSITION OF CONTESTED CASES—FINALITY OF PROPOSED DECISIONS AND ORDERS.

WAC 371-08-245 PETITIONS FOR RULE MAKING.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 371-12-010 PURPOSE.
- WAC 371-12-020 DEFINITIONS.
- WAC 371-12-030 PUBLIC RECORDS AVAILABLE.
- WAC 371-12-040 COMMUNICATIONS WITH THE BOARD.
- WAC 371-12-050 PUBLIC RECORDS OFFICER.
- WAC 371-12-060 OFFICE HOURS.
- WAC 371-12-070 REQUESTS FOR PUBLIC RECORDS.
- WAC 371-12-080 COPYING.
- WAC 371-12-090 EXEMPTIONS.
- WAC 371-12-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
- WAC 371-12-110 PROTECTION OF PUBLIC RECORDS.
- WAC 371-12-120 RECORDS INDEX.
- WAC 371-12-130 ADOPTION OF FORM.

**WSR 91-03-029**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**

[Memorandum—January 7, 1991]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Architecture.

**Faculty Meetings**

Meeting Dates	Location	Time
Each Wednesday/ Academic Quarter	208J Gould Hall	12-1:30

**WSR 91-03-030**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**

[Memorandum—January 4, 1991]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Anesthesiology.

**Faculty Meetings**

Meeting Dates	Location	Time
January 28, 1991	BB-1444	4:00 p.m.
February 25, 1991	BB-1444	4:00 p.m.
April 15, 1991	BB-1444	4:00 p.m.

May 20, 1991	BB-1444	4:00 p.m.
June 17, 1991	BB-1444	4:00 p.m.
July 15, 1991	BB-1444	4:00 p.m.
August 19, 1991	BB-1444	4:00 p.m.
September 16, 1991	BB-1444	4:00 p.m.
October 21, 1991	BB-1444	4:00 p.m.
November 18, 1991	BB-1444	4:00 p.m.
December 16, 1991	BB-1444	4:00 p.m.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Pursuant to notice filed as WSR 90-14-023 on June 27, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule was previously adopted as an emergency rule and has effectively improved the efficiency of the licensing procedures and the commission is adopting it permanently.

Effective Date of Rule: January 22, 1991.

January 4, 1991  
John Crowley  
Executive Secretary

**WSR 91-03-031**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
[Memorandum—January 4, 1991]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Biostatistics.

**Biostatistics Faculty Meeting**

Meeting Dates	Location	Time
1st and 3rd Thursday of each month in 1991	Biostatistics Conference Room, #F643	12:00 noon

**WSR 91-03-032**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**  
[Memorandum—January 7, 1991]

**Revised 1990 - 1991 Meeting Schedule for the Business and Job Retention Advisory Committee**

Date	Location
Friday, January 18, 1991	Olympia
Friday, February 22, 1991	(conference call 10 a.m.)
Friday, March 22, 1991	Seattle
Friday, April 19, 1991	(conference call 10 a.m.)
Friday, May 24, 1991	Seattle/Sea-Tac
Friday, June 21, 1991	(conference call 10 a.m.)

**WSR 91-03-033**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**  
[Filed January 9, 1991, 10:52 a.m., effective January 22, 1991]

Date of Adoption: January 4, 1991.

Purpose: To facilitate issuance of owner's licenses through the use of facsimile machines; and the recognition of trainer's as agents of owners for purposes of filing for, and issuance of, provisional licenses by the commission's stewards.

Citation of Existing Rules Affected by this Order: Chapter 260-36 WAC, Occupational permits and licenses.

**NEW SECTION**

**WAC 260-36-190 FACSIMILE FOR OWNERS MAY BE USED.** If an owner is unavailable to execute the application for an owner's license, the license may be issued and approved after submission to the commission of a facsimile of the original application which does contain the signature of the owner.

**NEW SECTION**

**WAC 260-36-200 PROVISIONAL OWNER'S LICENSE.** The stewards may issue a provisional license for a period of fourteen days based on an application completed by the trainer representing the owner and payment of all license fees and labor and industries fees due, provided that the trainer signs a statement that he or she is authorized on behalf of the owner to execute the application and that the trainer is familiar with the truth of the contents of the application.

**WSR 91-03-034**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
[Filed January 9, 1991, 1:37 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To repeal the rules for Instant Game Nos. 20 through 39.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-11-200 through 315-11-392 inclusive.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 90-21-002 on October 5, 1990.

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

January 9, 1991  
Evelyn Y. Sun  
Director

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

**WAC 315-11-200 DEFINITIONS FOR INSTANT GAME NUMBER 20 ("CASH CODE")**

- WAC 315-11-201 CRITERIA FOR INSTANT GAME NUMBER 20
- WAC 315-11-202 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 20
- WAC 315-11-210 DEFINITIONS FOR INSTANT GAME NUMBER 21 ("SUN DOLLARS")
- WAC 315-11-211 CRITERIA FOR INSTANT GAME NUMBER 21
- WAC 315-11-212 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 21
- WAC 315-11-220 DEFINITIONS FOR INSTANT GAME NUMBER 22 ("SILVER LINING"/"SILVER BELLS")
- WAC 315-11-221 CRITERIA FOR INSTANT GAME NUMBER 22
- WAC 315-11-222 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 22
- WAC 315-11-230 DEFINITIONS FOR INSTANT GAME NUMBER 23 ("THREE CARDS UP")
- WAC 315-11-231 CRITERIA FOR INSTANT GAME NUMBER 23
- WAC 315-11-232 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 23
- WAC 315-11-240 DEFINITIONS FOR INSTANT GAME NUMBER 24 ("TIC TAC TOE")
- WAC 315-11-241 CRITERIA FOR INSTANT GAME NUMBER 24
- WAC 315-11-242 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 24
- WAC 315-11-250 DEFINITIONS FOR INSTANT GAME NUMBER 25 ("TRIPLE HEADER")
- WAC 315-11-251 CRITERIA FOR INSTANT GAME NUMBER 25
- WAC 315-11-252 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 25
- WAC 315-11-260 DEFINITIONS FOR INSTANT GAME NUMBER 26 ("SUMMER DOUBLER")
- WAC 315-11-261 CRITERIA FOR INSTANT GAME NUMBER 26
- WAC 315-11-262 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 26
- WAC 315-11-270 DEFINITIONS FOR INSTANT GAME NUMBER 27 ("CASH HARVEST")
- WAC 315-11-271 CRITERIA FOR INSTANT GAME NUMBER 27
- WAC 315-11-272 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 27
- WAC 315-11-280 DEFINITIONS FOR INSTANT GAME NUMBER 28 ("STOCKING STUFFER")
- WAC 315-11-281 CRITERIA FOR INSTANT GAME 28
- WAC 315-11-282 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 28
- WAC 315-11-290 DEFINITIONS FOR INSTANT GAME NUMBER 29 ("WINDFALL")
- WAC 315-11-291 CRITERIA FOR INSTANT GAME NUMBER 29
- WAC 315-11-292 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 29
- WAC 315-11-300 DEFINITIONS FOR INSTANT GAME NUMBER 30 ("QUICK SILVER")
- WAC 315-11-301 CRITERIA FOR INSTANT GAME NUMBER 30
- WAC 315-11-302 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 30
- WAC 315-11-310 DEFINITIONS FOR INSTANT GAME NUMBER 31 ("THREE OF A KIND")
- WAC 315-11-311 CRITERIA FOR INSTANT GAME NUMBER 31
- WAC 315-11-312 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 31
- WAC 315-11-320 DEFINITIONS FOR INSTANT GAME NUMBER 32 ("DOUBLE DECKER")
- WAC 315-11-321 CRITERIA FOR INSTANT GAME NUMBER 32
- WAC 315-11-322 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 32
- WAC 315-11-330 DEFINITIONS FOR INSTANT GAME NUMBER 33 ("INSTANT REPLAY")
- WAC 315-11-331 CRITERIA FOR INSTANT GAME NUMBER 33
- WAC 315-11-332 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 33
- WAC 315-11-340 DEFINITIONS FOR INSTANT GAME NUMBER 34 ("TIC-TAC-TOE")
- WAC 315-11-341 CRITERIA FOR INSTANT GAME NUMBER 34
- WAC 315-11-342 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 34
- WAC 315-11-350 DEFINITIONS FOR INSTANT GAME NUMBER 35 ("STOCKING STUFFER")
- WAC 315-11-351 CRITERIA FOR INSTANT GAME NUMBER 35
- WAC 315-11-352 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 35
- WAC 315-11-360 DEFINITIONS FOR INSTANT GAME NUMBER 36 ("FAT CAT")
- WAC 315-11-361 CRITERIA FOR INSTANT GAME NUMBER 36

WAC 315-11-362 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 36

WAC 315-11-370 DEFINITIONS FOR INSTANT GAME NUMBER 37 ("THREE CARDS UP")

WAC 315-11-371 CRITERIA FOR INSTANT GAME NUMBER 37

WAC 355-11-372 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 37

WAC 385-11-380 DEFINITIONS FOR INSTANT GAME NUMBER 38 ("JACKPOT")

WAC 385-11-381 CRITERIA FOR INSTANT GAME NUMBER 38

WAC 385-11-382 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 38

WAC 395-11-390 DEFINITIONS FOR INSTANT GAME NUMBER 39 ("CENTENNIAL CASH")

WAC 395-11-391 CRITERIA FOR INSTANT GAME NUMBER 39

WAC 395-11-392 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 39

**Reviser's note:** The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the references to WAC 355-11-342, 355-11-350, 355-11-351, 355-11-352, 355-11-372, 385-11-380, 385-11-381, 385-11-382, 395-11-390, 395-11-391, and 395-11-392 are probably intended to be to WAC 315-11-342, 315-11-350, 315-11-351, 315-11-352, 315-11-372, 315-11-380, 315-11-381, 315-11-382, 315-11-390, 315-11-391, and 315-11-392.

**WSR 91-03-035**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
 [Filed January 9, 1991, 1:40 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To repeal the current records index rule, WAC 315-12-140.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 315-12-140.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 90-23-085 on November 20, 1990.

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

January 9, 1991

Evelyn Y. Sun

Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 315-12-140 RECORDS INDEX

**WSR 91-03-036**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
 [Filed January 9, 1991, 1:51 p.m.]

Date of Adoption: January 4, 1991.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game No. 61 ("Triple Play"), to establish agency rule for indexing of public records, and to amend WAC 315-11-590, 315-11-591, and 315-06-120.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 315-11-590, 315-11-591, and 315-06-120.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 90-23-086 on November 20, 1990.

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

January 9, 1991

Evelyn Y. Sun

Director

**AMENDATORY SECTION** (Amending Order 116, filed 6/1/89)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one individual: **PROVIDED**, That if the address label or stamp contains the name of more than one individual, the ~~((ticket and/or claim form must be signed by one of the persons))~~ prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first individual listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction

and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) The director may delay payment of any prize that exceeds six hundred dollars and debts are owed by the claimant to a state agency or political subdivision, or that the state is authorized to enforce or collect as provided in WAC 315-06-125.

(7) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(8) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(9) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(10) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(11) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(12) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(13) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(14) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(15) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

#### AMENDATORY SECTION (Amending WSR 90-22-088, filed 11/6/90)

#### WAC 315-11-590 DEFINITIONS FOR INSTANT GAME NUMBER 59 ("LUCKY DRAW").

(1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "8"; "7"; "6"; "5"; "4"; and "2". One of these play symbols appears in each of the ten play spots under the latex covering on the front of the ticket. The ten play spots are divided into two horizontal rows ("hands") of five adjoining spots. Each horizontal set of five adjoining play spots shall constitute one game and shall be known as a playfield. Each ticket shall have two playfields.

(2) Captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 59, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
A	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN
8	EGT
7	SVN
6	SIX
5	FIV
4	FOR
2	TWO

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

(4) Pack-ticket number: The eleven-digit number of the form 05900001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 59 constitute the "pack number" which starts at 05900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 59, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of eight locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 ( <del>(\$2, \$1 and \$1)</del> )
<del>(PTV)</del>	<del>(\$ 5.00)</del>
FOR	\$ 4.00
SVN	\$ 7.00 ( <del>(\$5 and \$2)</del> )
TLV	\$ 12.00 ( <del>(\$7 and \$5)</del> )
<del>(TFP)</del>	<del>(\$ 24.00 (\$12 and \$12))</del>

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

AMENDATORY SECTION (Amending WSR 90-22-088, filed 11/6/90)

WAC 315-11-591 CRITERIA FOR INSTANT GAME NUMBER 59. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket having the following play symbols in any of the five spots in any order within a playfield beneath the removable covering on the front of the ticket shall win the following prize:

Two <del>((of any))</del> matching play symbols (one pair) except A's	- win \$ 1.00
Two A's (pair of aces)	- win \$ 2.00
Two <del>((of any))</del> matching play symbols with two <del>((of any))</del> other matching play symbols (two pairs)	- win <del>(\$ 5.00)</del> \$ 4.00
Three <del>((of any))</del> matching play symbols (three of a kind)	- win \$ 7.00
One 10, one J, one Q, one K, and one A	- win \$ 12.00
Three <del>((of any))</del> matching play symbols with two <del>((of any))</del> other matching play symbols (full house)	- win \$ 40.00
Four <del>((of any))</del> matching play symbols (four of a kind) <u>except A's</u>	- win <del>(\$ 25,000)</del> \$ 80.00
Four A's	- win \$ 24,000

(b) Play symbols from one playfield may not be mixed, combined or intermingled with play symbols from the other playfield.

(c) ~~((The bearer of a ticket having a winning set of symbols in both playfields shall win the total amount of the prizes won in each playfield.))~~ The ticket shall bear a legend which lists the winning play symbols and their corresponding prizes.

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 59 set forth in WAC 315-11-592, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 59; and/or

(b) Vary the number of tickets sold in Instant Game Number 59 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-610 DEFINITIONS FOR INSTANT GAME NUMBER 61 ("TRIPLE PLAY"). (1) Play symbols: The following are the "play symbols": "0"; "1"; "2"; "4"; "5"; "6"; "7"; "8"; "9"; "10"; and "12". One of these symbols appears under each of the three rub-off spots in the "your score" column and under each of the three rub-off spots in the "their score" column in the play field on the front of the ticket.

(2) Play Symbol Captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out in full or in abbreviated form of the play symbol. One and only one caption appears under each play symbol. The number 1, 2 or 3 precedes each caption to indicate the location of the play symbol in Game 1, Game 2

or Game 3. For Instant Game Number 61, the play symbols and their corresponding captions are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
0	ZRO
1	ONE
2	TWO
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$12.00"; "\$50.00"; "\$10,000". One of these prize symbols appearing in the prize column of each game (row) in the playfield on the front of the ticket.

(4) Prize Symbol Captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. One and only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each caption to indicate the location of the caption in Game 1, Game 2 or Game 3. For Instant Game Number 61, the prize symbols and their corresponding captions are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE
\$2.00	TWO
\$4.00	FOR
\$12.00	TLV
\$50.00	FIFTY
\$10,000	TENTHO

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

(6) Pack-ticket number: The eleven-digit number of the form 06100001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 61 constitute the "pack number" which starts at 06100001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 61, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols and prize symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 and \$1)
FOR	\$ 4.00 (\$1 and \$1 and \$2)
SVN	\$ 7.00 (\$4 and \$2 and \$1)
TLV	\$ 12.00 (\$12; \$4, \$4 and \$4)
TTF	\$ 24.00 (\$12 and \$12)

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

NEW SECTION

WAC 315-11-611 CRITERIA FOR INSTANT GAME NUMBER 61. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your score" column that is a larger number than the play symbol in the "their score" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in Game 1, Game 2 or Game 3 shall win the total amount of all game prizes. Play symbols in different games (rows) may not be combined to win a prize.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 61 set forth in WAC 315-11-612, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 61; and/or

(b) Vary the number of tickets sold in Instant Game Number 61 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-612 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 61. (1) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 61 shall comply with all of the following validation requirements.

(a) Exactly one play symbol must appear under each of the three rub-off spots in the "your score" column and under each of the three rub-off spots in the "their score" column on the front of the ticket.

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

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(c) Exactly one prize symbol for each of the three games (rows) must appear under the rub-off material covering the prize column on the front of the ticket.

(d) Each of three prize symbols must have a caption below and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and their captions, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-610(1); each of the play symbol captions must be exactly one of those described in WAC 315-11-610(2), each of the prize symbols must be exactly one of those described in WAC 315-11-610(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-610(4).

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

**NEW SECTION**

**WAC 315-12-145 RECORDS INDEX.** (1) The agency has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Interpretive and policy statements that were entered after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the director or director's designee and those orders which have substantial importance shall be selected for inclusion in the index.

(3) Selected orders shall be indexed by a phrase describing the issue or holding and by a citation to the law involved. Interpretive and policy statements shall be indexed by subject matter, topic, calendar year or a combination of these, as appropriate.

(4) The index is available for public access during business hours at the agency's management services division, 814 - 4th Avenue, Olympia, Washington 98504.

(5) The indexes shall be kept current and updated annually.

Date of Adoption: December 13, 1990.  
 Purpose: To amend rules previously filed December 13, 1990, and to add a new section.

Citation of Existing Rules Affected by this Order: Repealing WAC 490-100-012; and amending WAC 490-100-030, 490-100-040, 490-100-050, 490-100-060, 490-100-070, 490-100-090, 490-100-100, 490-100-105, 490-100-110, 490-100-120, 490-100-130, 490-100-140, 490-100-150, 490-100-160, 490-100-170, 490-100-180, 490-100-200, 490-100-208, 490-100-210, and 490-100-220.

Statutory Authority for Adoption: Chapter 28C.10 RCW.

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

Reasons for this Finding: The process of licensing schools is on-going and the amendments adopted after a series of hearings.

Effective Date of Rule: Immediately.

December 13, 1990  
 Dale A. Boose  
 Vice Chairman  
 for Stan Marshburn  
 Chairman

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-010 AUTHORITY.** These rules are promulgated pursuant to ~~((chapter 28C.10 RCW))~~ the authority contained in RCW 28C.10.040(2) to implement the Private Vocational Schools Act.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-030 ((EXEMPTIONS)) DEFINITIONS.** ~~((Sec RCW 28C.10.030.))~~ (1) The following is intended to clarify the statutory exemptions (see RCW 28C.10.030):

~~((+))~~ (a) "Avocational" or "recreational" means instruction which is primarily intended for leisure and not offered for the purpose of providing a student with employable skills or with competencies that upon completion of the program, course, or class would be customarily applied to gainful employment and is not utilized by the school as a prerequisite for vocational instruction.

~~((+))~~ (b) Entities not otherwise exempt offering only workshops or seminars lasting not more than three calendar days and consisting of no more than twenty-four contact hours of instruction: PROVIDED, That training



is completed within the three calendar days, and a vocational education program is not being offered through a series of supplementary seminars.

(2) The term "revoke" as used in RCW 28C.10.050(2) and elsewhere in these regulations means that the agency terminates the school license. When the license is revoked, the school is no longer legally authorized to continue operating.

(3) The term "suspend" as used in RCW 28C.10.050(2) and elsewhere in these regulations means that because of deficiencies, the agency interrupts for a stated time the school's authority to make offers of training, as that is defined under RCW 28C.10.020(9), and prohibits the school for that time to begin instruction of new students, but it may remain in operation to continue training students already enrolled and in good standing on the date such suspension commences.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-035 **AUXILIARY FACILITIES.** (See RCW 28C.10.020(7).) Any location within the state of Washington at which an entity provides postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession is deemed to be a private vocational school within the meaning of RCW 28C.10.020(7), except for case-by-case exemptions that may be granted for activities that meet the following definition of "auxiliary facility."

(1) Upon application to the agency on forms provided for that purpose, a licensed private vocational school may be authorized to provide training services at an additional physical site termed an "auxiliary facility."

To qualify for the designation "auxiliary facility," the site must be established by the licensee to meet one or more of the following criteria:

(a) To absorb a temporary overload which the licensed facility cannot accommodate; or

(b) To provide a single, specialized kind of training activity, generally on a short-term basis, under circumstances that cannot readily be accommodated at the licensed facility; or

(c) To provide training under contract(s) with a public agency, private company, or other sponsoring entity: **PROVIDED**, That no fiduciary responsibility is created between students and the licensee under such arrangements: **PROVIDED FURTHER**, That the training offered is not open to general enrollment.

(2) To have any of its activities classified as an "auxiliary facility" and not subject to being licensed as a private vocational school, a licensee must secure approval from the agency in advance of conducting operations at such a site by documenting that it meets one of the above definitions and in addition that:

(a) The instructional program(s), site administration, and training provided at the auxiliary facility are significantly integrated with the licensee's primary facility; and

(b) The address of the auxiliary facility will not be represented as a school location.

(3) Activities carried forward at an auxiliary facility must be regularly incorporated into operational and financial data reported to the agency by the licensee: **PROVIDED**, That income derived from activities conducted under contract (see: Subsection ((~~(3)~~)) (1)(c) of this section) will not be included as "tuition income" for purposes of calculating license fees and/or contributions to the tuition recovery fund.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-040 **CANCELLATION AND REFUND POLICY.** (See RCW 28C.10.050 (1)(b).) As a condition of licensing, each school must adhere to the following uniform state-wide minimum cancellation and refund policy: **PROVIDED**, That any refund due to students receiving federal financial assistance ((~~e.g., Pell Grant, Supplemental Education Opportunity Grant, National Direct Student Loan, etc.~~)), grant, or loan, will be refunded by the school to the particular federal financial aid program in accordance with federal law:

(1) A full refund of all money paid if the applicant is not accepted by the school;

(2) A full refund of tuition and fees paid if the applicant withdraws not later than midnight on the fifth business day (excluding Sundays and holidays) after signing the contract or making an initial payment, provided that the applicant has not commenced training;

(3) After five business days (excluding Sundays and holidays), the school may retain an established registration fee equal to ten percent of the total tuition cost, or one hundred dollars, whichever is less. "Registration fee" refers to any fee, however named, covering those expenses incurred by an institution in processing student applications and establishing a student records system;

(4) The official date of termination of a student shall be the last date of recorded attendance when withdrawal occurs in any of the following manners:

(a) When the school receives notice of the student's intention to discontinue the training program;

(b) When the student is terminated for a violation of a published school policy which provides for termination;

(c) When a student, without notice to the institution, fails to attend classes for thirty calendar days.

(5) If training is terminated after entering classes, the student is financially obligated to the school according to the following formulas or maximum charges:

(a) Termination during first week or ten percent of instruction, whichever is less. School may retain ten percent of tuition cost plus registration fee established under subsection (3) of this section;

(b) Termination after first week or ten percent of instruction, whichever is less, but prior to completion of twenty-five percent of contracted instructional time. School may retain twenty-five percent of tuition cost plus registration fee established under subsection (3) of this section;

(c) Termination after completion of first twenty-five percent but prior to completion of fifty percent of contracted instructional time. School may retain fifty percent of tuition cost plus registration fee established under subsection (3) of this section;

(d) Termination after completion of more than fifty percent of contracted instructional time. School may retain the full tuition cost plus registration fee established under subsection (3) of this section.

(6) If a school continues to operate under its license but discontinues instruction in any program after training of students has begun, the students enrolled in the discontinued program are entitled to a prorata refund of all tuition and fees paid unless comparable training is arranged by the school to be provided at another public or private vocational school and such arrangements are agreed to in writing by the student as provided by WAC ~~((490-800-220))~~ 490-100-220(4).

(a) Notice in advance of the discontinuance must be provided to the agency and to students in writing, including at the least data required under WAC ~~((490-800-220))~~ 490-100-220(2).

(b) The term "discontinued" generally applies to the elimination by the school of a particular course offering prior to its completion. However, the term includes circumstances where program(s) commenced at a specific location under terms of an enrollment agreement are relocated to substituted physical site.

(c) A student affected by relocation may voluntarily accept transportation and other arrangements offered by the school in order to continue his/her training or may file a refund claim.

(d) Requests for refunds pursuant to this provision must be made in writing by the enrolled student within thirty calendar days following discontinuation of the program. Money due the applicant/student shall be refunded within thirty calendar days after receipt of the request.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-050 CATALOG, BROCHURE, OR OTHER WRITTEN MATERIAL. (See RCW 28C.10.050 (1)(c).) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. For this reason, it shall be current, comprehensive, and accurate. Each school shall publish a catalog, brochure, or other written material which shall include the following:

- (1) Date of publication;
- (2) Names of owners having a ten percent or more equity ownership and officers, including any governing boards, and parent corporation, if a subsidiary;
- (3) Names, addresses, and telephone numbers of the school's administrative offices and all auxiliary facilities;
- (4) Names and qualifications of teaching faculty. Such lists shall be accurate as of the date of catalog publication. Any changes of faculty shall be noted on a catalog errata sheet provided each student prior to entering classes;
- (5) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;
- (6) Admission procedure, policies, and regulations describing accurately and completely all prerequisites (e.g.,

GED, physical requirements, etc.) and ~~((requirements for))~~:

(a) Fulfilling the skills assessment requirements adopted/developed by the school and applied to each applicant as part of the admissions process;

(b) Completing successfully the programs of study in which they are interested; and

~~((b))~~ (c) Qualifying for the fields of employment for which their education is designed.

(7) A description of the exact nature and kind of placement assistance offered, if any. If no assistance is offered, the school shall make this fact known;

(8) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(9) The school's policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(10) The school's policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the school, and conditions for reentrance for those students dismissed for unsatisfactory progress. A statement will be furnished to the student regarding the student's progress.

(11) An accurate description, whether through words, photos, or other means, of the school's facilities, equipment, and physical plant used for training with a description of the equipment available for student use and the maximum or usual class size;

(12) Total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, student activities, insurance and all other charges and expenses necessary for completion of the program;

(13) A description of each course of instruction, including:

(a) Specific course objectives: The educational or vocational objective of each course or program including the name of occupations for which the course or program purports to train;

(b) The number of clock or credit hours of instruction and types of instruction (e.g., correspondence, classroom, lab, computer assisted) in each course and the average length of time in weeks or months normally required for completion;

(c) If instruction is calculated in credit hours, the catalog must contain at least one statement describing the contact hour conversion formula applied by the school: The number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum, and/or internship/externship.

(d) Number of lessons (correspondence/home study schools). "Correspondence and/or home study school" shall mean that the instructional format of the school involves the sequential mailing or distribution of lessons to the student, who studies the material, completes a lesson examination, and returns the examination to the school. The school then grades the lesson/examination (and, in some instances, provides additional comments

and instruction), and returns the graded lesson to the student along with the next set of instructional materials;

(e) The scope and sequence of courses or programs required to achieve the educational objective;

(f) A statement indicating what type of certificates, diplomas or other educational credentials are awarded upon graduation or successful completion.

(14) Policy and regulations relative to refund of unearned tuition, fees, and other charges, which must meet the minimum cancellation and refund policy set forth in these rules, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(15) The following statement shall appear prominently on either the first or last printed page or inside the front or back cover: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE BOARD FOR VOCATIONAL EDUCATION, BUILDING 17, AIRDUSTRIAL PARK, MAILSTOP LS-10, OLYMPIA, WASHINGTON 98504-6110 (206/753-5673);

(16) Availability of financial aid, grants and scholarships, if any;

(17) Supplements or errata sheets for the catalog/bulletin or other written materials shall be filed with the agency prior to being used (see RCW 28C.10.110(2)):

(a) Supplement pages or errata sheets shall be fastened to or otherwise made an integral part of that publication;

(b) The catalog/bulletin supplement or errata sheets shall include the publication date;

(c) In event that information on a supplement or errata sheet supplants any other information contained in the catalog/bulletin, the insert shall specifically identify the information it contradicts or replaces, including at the least an appropriate page reference.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-060 ENROLLMENT CONTRACT OR AGREEMENT. (See RCW 28C.10.050 (1)(d).) "Enrollment agreement" is any agreement, instrument or note, however named, which creates or evidences an obligation binding a student to purchase a course of instruction from a school. Each school shall use an enrollment contract or agreement that includes:

(1) The school's cancellation and refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirements of this section;

(2) The following statement: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; ((INQUIRES)) INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE BOARD FOR VOCATIONAL EDUCATION; BUILDING 17, AIRDUSTRIAL PARK; MAILSTOP LS-10; OLYMPIA, WASHINGTON 98504-6110; (206/753-5673);

(3) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(a) The name and address of the school and the student;

(b) The title of the educational services, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(c) The cost incurred by the student or his/her sponsor in order to complete the training. Such costs shall be itemized and shall include tuition, fees, books, supplies (where appropriate), and all other charges made by the school necessary to complete the training. The student enrollment agreement shall outline the methods of payment or the payment schedule;

(d) A statement acknowledging receipt of a copy of the school's catalog and student enrollment agreement by the student;

(e) Language explaining that the agreement will be binding only when officially accepted and the agreement is fully completed, signed and dated by the student and chief administrative officer or authorized representative of the school prior to the time instruction begins.

(4) A statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the chief administrative officer or an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor;

(5) "NOTICE TO THE BUYER" which includes the following statements in a position above the space reserved for the student's signature:

(a) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(b) ((BOTH SIDES)) ALL PAGES OF THE CONTRACT ARE BINDING.

(c) READ BOTH SIDES OF ALL PAGES BEFORE SIGNING.

(d) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN.

(e) YOU MAY CANCEL THIS CONTRACT BY PROVIDING NOTICE OF SUCH CANCELLATION TO THE SCHOOL AT ITS ADDRESS SHOWN ON THE CONTRACT WHICH NOTICE SHALL BE POSTMARKED NOT LATER THAN MIDNIGHT OF THE FIFTH BUSINESS DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT OR IT MAY BE PERSONALLY OR OTHERWISE DELIVERED TO THE SCHOOL WITHIN THAT TIME. IN EVENT OF DISPUTE OVER TIMELY NOTICE, THE BURDEN TO PROVE SERVICE RESTS ON THE SENDER.

(f) IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(6) Physically attached to each completed contract shall be a one-page form constructed by the agency and supplied in prototype to each licensee, containing acknowledgements signed by the school and the enrollee relating to the student's rights, responsibilities, and loan repayment obligations; and attesting that the school

counseled the enrollee against incurring excessive debt burdens.

(7) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution or by return mail when the enrollment is solicited by mail.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-070 TIME OF APPLICATION. (See RCW 28C.10.060.) (1) Initial licensing. Any entity desiring to operate a private vocational school(s) must initially be licensed by the agency no later than (~~one month~~) thirty calendar days prior to the date on which it first offers educational services;

(2) Renewal. Each private vocational school must annually renew its license. No later than (~~one month~~) thirty calendar days prior to the anniversary date of its license, the private vocational school must file a completed application for license renewal, including a financial statement, attested to by the chief administrative officer, and amend any statements or materials on file which are no longer accurate.

(3) A license may be denied, revoked, or suspended by the agency's executive director or his/her designee for just cause.

(4) Transition. A training location in operation on or before June 7, 1990, as an "additional instruction site" (WAC (~~490-800-100~~) 490-100-100(2)) under a license issued to a common owner but which site is required to be individually licensed as a private vocational school, as a consequence of the enactment of RCW 28C.10.020(7) shall be considered to be licensed under chapter 28C.10 RCW until the expiration date of the license under which its owning entity was operating on June 7, 1990: PROVIDED, That during such transition, an affected "additional instruction site" remains otherwise in compliance with the provisions of the act and these rules: PROVIDED FURTHER, That the license of its owning entity remains valid throughout the transition period described.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-080 DISPLAY OF LICENSES—LOSS OR DESTRUCTION—CHANGE OF NAME—CHANGE OF LOCATION. (See RCW 28C.10.060.) (1) Licenses shall be issued in the name of the applicant school showing that name, its address, and phone number. In the instance of schools under a common ownership, the name and address of the owning entity shall also be shown.

(2) A certificate shall be issued to each auxiliary facility for which approval is requested and granted in accordance with the provisions of WAC (~~490-800-100~~) 490-100-100. It shall contain the identifications described under subsection (1) of this section.

(3) Display. Each school shall prominently display its license and/or certificate issued to an auxiliary facility to the public, prospective students, and other interested persons at each location.

(4) Loss or destruction. Upon the loss or destruction of any license and/or certificate issued to an auxiliary facility, application for a duplicate and payment of the appropriate license reissuance fee must be made to the agency. See WAC (~~490-800-120~~) 490-100-120(4).

(5) Change of name. No licensee shall adopt or make a change in its name prior to providing written notification to the agency together with payment of the appropriate license reissuance fee. See WAC (~~490-800-120~~) 490-100-120(5).

(6) Change of location. No change in the location of premises including auxiliary facilities, if any, shall be made without applying to and obtaining prior written consent of the agency and making payment of the appropriate license reissuance fee. See WAC (~~490-800-120~~) 490-100-120(6).

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-090 CHANGE OF OWNERSHIP—LICENSE NONTRANSFERABLE. (See RCW 28C.10.060.) (1) The ownership of a licensed entity is deemed to have changed at the consummation of:

- (a) A sale by the sole proprietor of a school;
- (b) A change in the majority interest of general partners of a partnership owning a school; or
- (c) A sale or transfer of stock occurs that creates a change in the majority interest in the issued and outstanding shares of a corporation owning a school.

(2) No license issued under this chapter is transferrable. Simultaneous with consummating the change(s) described under subsection (1) of this section, the license(s) issued to the existing owner(s) expires.

(3) The provisions of subsection (2) of this section notwithstanding, to maintain a continuity of operation, the new ownership must make application for a new license no less than fifteen calendar days prior to the change of ownership. The agency may extend the existing license for a maximum sixty calendar days beyond the date that ownership changes: PROVIDED, That the new applicant's chief administrative officer furnishes a written statement asserting that all conditions set forth in the act and these rules are being met or will be met before offering training or education in the period during which the application for new license is pending.

(4) In event the new owner(s) fail to obtain a license in no more than sixty calendar days after the date of sale or transfer of ownership and no further extension of time has been granted by the agency, continued operation beyond that date as a private vocational school will constitute a violation of RCW 28C.10.090.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-100 APPLICATION CONTENTS. (See RCW 28C.10.050 and 28C.10.060.) Any entity desiring to operate a private vocational school shall apply for license to the agency on forms provided by the agency which shall include the following information attested to by the school's chief administrative officer.

**(1) Owners, shareholders, and directors:**

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

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

(c) Names, addresses, phone numbers, birthdates, prior school affiliations and capacities, and any other appropriate information of all those with ten percent or more ownership interest;

(d) A school which is a corporation or a subsidiary of another corporation shall submit to the agency as part of the school's application current evidence that the corporation is registered with the Washington secretary of state's office and the name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(2) Schools under common ownership. Application(s) for initial and renewal licensing may be submitted by a single entity on behalf of each private vocational school under its common ownership: PROVIDED, That the owning entity controls the licensee's recruiting activities, faculty, and administrators, course curricula and guidelines for teaching, and is otherwise wholly accountable for its operations.

(a) Each license issued to a private vocational school under common ownership shall be valid only for the location listed in the initial and renewal applications and the name and address of the owning entity shall be shown thereon in addition to information identifying the individual site.

(b) A single location may be identified by the owning entity as the principal facility for recordkeeping.

~~(3) ((Agents of institutions. Each agent's name, address, phone number, territory, date of birth, prior school affiliations and capacities.~~

~~(4))~~ Financial statement. Each school must annually disclose to the agency information reflecting the financial condition of the school at the close of its most recent fiscal or calendar year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Entities operating a private vocational school must submit:

(a) The fiscal year dates utilized for the school's operations;

(b) A financial statement ~~((showing gross tuition income (excluding refunds, books, tools, and supplies) for the last completed fiscal year, certified by the school's chief administrative officer. This may be accomplished by submitting one of the following))~~ in a format supplied by the agency that:

~~(i) ((A copy of an external audit prepared by a certified public accountant or a state audit agency, or  
(ii) A financial statement in the format provided by the agency,~~

~~(c))~~ Is certified true and accurate by the school's chief administrative officer or his/her designee, and

~~(ii) Covers the period of the most recently completed of the periods established in (a) of this subsection.~~

~~(c) On a showing by the school that inadequate time exists to produce such data in the interval between the ending date of the period established in (a) of this subsection and the due date of an application, the agency will adjust the license period of the school to provide a reasonable interval.~~

~~(d) Any entity just starting operations at the time of initial licensing must substitute for the financial statement described under (b) of this subsection, a proposed operating budget for its initial twelve months' period of operation using a format provided by the agency.~~

~~((d))~~ (e) Any entity seeking initial licensing as a private vocational school which has operated another business or businesses for one year or more prior to filing an application under chapter 28C.10 RCW, shall include in its initial application, in addition to the requirements under ~~((c))~~ (d) of this subsection, a financial statement for any one or more such additional business(es) that is prepared by a certified public accountant and/or certified by its chief administrative officer, covering ~~((the prior business in))~~ the period of its most recently completed fiscal year.

~~((c))~~ (f) The owning entity of multiple schools under a common ownership may file financial information with initial or renewal license applications that consists of a single, consolidated financial statement and balance sheet for the corporate entity, as described under (b) of this subsection: PROVIDED, That it is accompanied by data extracted therefrom that documents total tuition earnings for each licensee under its common ownership at the close of its most recent fiscal year of operation, or lacking historic data, projects total tuition earnings for a subject school in its first or next completed twelve months of operation.

~~((f))~~ (4) Financial references. The applicant shall furnish the name(s) of one or more bank(s) or other financial institution(s) that may be consulted as financial reference(s) for the entity and school, together with a statement authorizing the agency to verify such information by consulting with the references furnished.

~~((g))~~ (5) A copy of the applicant's catalog.

~~((h))~~ (6) A copy of the applicant's enrollment agreement/contract.

~~((i))~~ (7) Administrators/instructors educational and occupational records, employing qualification forms supplied by the agency for that purpose, evidencing names, Social Security numbers, addresses, phone numbers, positions, education, experience, prior school affiliations, and birthdates.

AMENDATORY SECTION (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-105 APPLICATION ~~((FOR LICENSE))~~ TO OPERATE AS AGENT OF PRIVATE

VOCATIONAL SCHOOL. (See RCW 28C.10.060.) (1) No person shall act in this state as an agent for a private vocational school unless the board has approved the individual's registration as an agent as part of the school's license.

(2) The application shall be in writing, upon forms prepared and supplied by the agency and shall contain at least the following:

(a) The full name, Social Security number, current address, and phone number of the individual applying for ~~((license))~~ registration;

(b) The name, current address, and phone number of the vocational school proposed to be represented;

(c) The past employment record of the applicant~~((:));~~

~~((:))~~ (d) The signatures of the applicant and chief administrative officer of the school.

(3) Each agent registered under this chapter shall be considered for all purposes under chapter 28C.10 RCW to be acting as an agent of the licensee submitting his/her application and no person can be independently registered to perform those functions.

(4) Each school shall provide training to a sales agent prior to his/her representing the school in that capacity that includes:

(a) Knowledge of the Private Vocational School Act (chapter 28C.10 RCW) and the regulations contained in this chapter.

(b) A detailed understanding of the school's catalog, enrollment contract, and refund policy.

(c) An organized review of the school's policies and practices governing the ethical conduct of sales agents.

(5) In the instance of an individual who applies to represent a private vocational school that is domiciled in another state and does not operate training facility(ies) within Washington state, the application shall be accompanied by the ~~((license))~~ fee in WAC ~~((490-800-120))~~ 490-100-120(2).

~~((:))~~ (6) Each school to whom the agent is ~~((licensed))~~ registered shall notify the agency in writing within no more than thirty calendar days following the date that the ~~((licensed))~~ registered agent ceases to perform those services~~((; indicating therein whether for reasons of reassignment to other duties or termination of employment))~~.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-110 NOTICE OF ACTIONS BY GOVERNMENTAL ENTITIES OR ACCREDITING COMMISSIONS—CHANGE OF CIRCUMSTANCES. (See RCW 28C.10.060.) At the time of original and renewal applications, the entity shall present the agency with details of any consent orders with the Federal Trade Commission and notification of any adverse actions which have been taken by any federal or state agencies, including courts or accrediting commissions~~((: The entity))~~ and shall inform the agency in writing of actions being taken to correct deficiencies cited. Any change of circumstance, including bankruptcy, which would ~~((require amendment to the))~~ amend information

reported in the application for initial license/license renewal form must be filed with the agency within ~~((thirty))~~ ten calendar days of the change~~((, along with a non-tarized statement))~~ by the chief administrative officer.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-120 FEES. (See RCW 28C.10.060(3).) (1) Annual fee:

(a) For in-state schools, the annual licensing fee is based on total annual tuition income.

(b) For out-of-state schools, the annual licensing fee is based on total annual tuition income received from or on behalf of Washington state residents.

(c) Schools not having been in operation prior to the date of their initial licensing shall base their annual fee upon estimated total annual tuition income.

Total Annual Tuition Income	License Fee
Up to \$25,000.....	\$ 250
\$25,001 to \$50,000.....	\$ 500
\$50,001 to \$100,000.....	\$ 600
\$100,001 to \$250,000.....	\$ 750
\$250,001 to \$500,000.....	\$1,000
\$500,001 to \$1,000,000.....	\$1,500
\$1,000,001 to \$2,500,000.....	\$2,000
Over \$2,500,001 .....	\$2,500

(2) Agents representing out-of-state schools: \$120 annual fee per agent per school represented.

(3) Fee for late filing of renewal application: \$25 per day for the ~~((month))~~ thirty calendar days prior to the expiration of the current school license;

(4) Loss or destruction of license/auxiliary certificate. Reissuance fee: \$25.

(5) Change of name. Reissuance fee: \$25.

(6) Change of location. Reissuance fee: \$25.

(7) Auxiliary location. Certificate issuance fee: \$25.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-130 FINANCIAL STANDARDS. (See RCW 28C.10.050 (1)(a).) The school must demonstrate that it has sufficient financial resources to:

(1) Fulfill its ~~((commitments))~~ contracted obligations to students;

(2) ~~((Follow))~~ Meet all refund obligations incurred under a uniform state-wide cancellation and refund policy as specified in these rules;

(3) Meet the school's operational expenses and maintain its financial obligations;

(4) ~~((Furnish and maintain))~~ Make scheduled contributions to the tuition recovery fund as required under WAC ~~((490-800-180))~~ 490-100-180.

**NEW SECTION**

WAC 490-100-135 ADMISSIONS STANDARDS. (See RCW 28C.10.050 (1)(g).) Prior to enrolling any individual into a program of study each



school shall assess in accordance with the following guidelines the appropriate employment prerequisites, basic skills, and relevant aptitudes of each individual applying for enrollment to determine that he/she has the ability to complete and benefit from the program or programs he/she is considering.

(1) Within sixty calendar days following the adoption of this section, each current licensee shall file with the agency a description of the methodology it employs to comply with the requirements under this section and each entity applying to be licensed as a private vocational school under chapter 28C.10 RCW shall include such information in its application. Any subsequent substantive change(s) in the methodology initially submitted shall be reported to the agency no more than fifteen calendar days after such change is adopted.

(2) The individual's ability to benefit shall be measured against current prerequisites for employment in the job objective established for the program, e.g., prior work and health history, driving and arrest records, and evaluations of any applicable physiological factors such as vision acuity, color perception, lifting and weight bearing capabilities, and manual dexterity.

(3) The individual's academic abilities shall be considered adequate to meet learning needs upon demonstration that he/she has earned a high school diploma or General Educational Development (GED) Certificate.

(4) To assess the academic capabilities of individuals applying for admission who have not earned a high school diploma or GED, the school shall adopt or devise a test or tests with the demonstrated capability to:

(a) Validate that the individual possesses skills, competencies, and knowledge that correlates with grades, course or program completion or other measures of success in the program of study, or;

(b) Validate that the individual's academic skills, competencies, and knowledge are at a level equivalent to that of persons completing a high school education;

(c) Provide a periodic, organized review comparing success ratios of accepted students with test cut-off scores and incorporating appropriate cut-off adjustments.

(5) The agency will accept as prima facie evidence of meeting the criteria in subsection (4) of this section a statement by the school indicating that the testing used to determine ability to benefit has been published by the American College Testing Service (ACT) and/or reviewed and approved by the American Council on Education (ACE).

(6) The following must be part of the methodology developed for assessment:

(a) In the event that tests are administered by school officials, evidence that they are being administered as intended by the publisher/test developers;

(b) Information about the test security procedures employed, evidencing that students have no advance information about the exact questions or tasks and that answers cannot be supplied by a third party while completing the test(s);

(c) Information about test scoring procedures employed, evidencing that if tests are scored by school officials the tests are being evaluated as intended by the publisher/test developer;

(d) Information that the test(s) does/do not contain information that is offensive with regard to gender, age, native language, ethnic origin, or handicapping conditions.

(7) Records resulting from the assessment of ability to benefit must be included as a regular part of the records of each entering student.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-140 PROGRAM STANDARDS.** (See RCW 28C.10.050 and 28C.10.060.) The school shall design and implement programs that by content and instructional strategies have the capacity to provide educational services ((such as)) that will adequately achieve the stated objectives for which the educational services are offered. In evaluating program offerings, the agency will use as a guideline their comparability, if any, to similar programs leading to similar educational objectives that have been established by other comparable schools.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-150 STAFF QUALIFICATIONS.** (See RCW 28C.10.050 and 28C.10.060.) (1) The education and experience qualifications of administrators, instructional staff, and other personnel shall adequately insure that the students will receive educational services consistent with the stated objectives for which the educational services are offered.

(2) No school licensed under this chapter shall use the services of any administrative or instructional personnel for more than thirty calendar days after their initial employment or following the effective date of this section, whichever shall first occur, without completing and filing with the agency information regarding their qualifications. Such information shall be submitted on forms provided by the agency for that purpose.

(3) Each licensee shall establish and enforce specific written policies setting standards for qualification, supervision, and evaluation of administrators, faculty, and staff. As a minimum, the following qualifications shall be required:

(a) School directors must have at least two years of prior experience in either school or business administration, teaching, or other experience related to their duties within the school's organization;

(b) If the graduated student is required to be licensed, certificated, or rated as a condition to employment in the job objective of a program, an instructor teaching a related class or course must hold or be qualified to hold such a license, certificate, or rating, and must possess at least two years of work experience or two years of post-secondary training in the subject which they instruct, or any equivalent combination of both: PROVIDED, That current evidence of being qualified to teach that is issued

by a regulatory agency, board, or commission of this or another state is acceptable in lieu of the foregoing;

(c) If a school utilizes any form of teacher assistants, aides, or trainees, it shall establish and maintain policies and practices governing their duties and functions. Such personnel shall provide services to students only under the direct supervision of and shall not substitute for a qualified instructor.

(4) No school licensed under this chapter shall employ administrators, faculty members, or agents, and no persons shall hold positions of direct authority or control in a licensed school who are not of good moral character and reputation:

(a) The agency may find a person not to be of good moral character and reputation when the person has been convicted of:

(i) Any felony within the prior seven years;

(ii) A misdemeanor which involved the illegal use, possession, or sale of a controlled substance; or

(iii) A misdemeanor that involved any sexual offense.

(b) The agency may find a person not to be of good moral character when that person is accused of acts while employed by a licensed school involving the illegal sale, possession, or use of a controlled substance, or involving any sexual offense, and for which act or acts the individual has been criminally charged.

(c) The agency shall not make a finding that a person is not of good moral character solely for the reason that the person has been convicted of/charged with a felony but shall consider the relationship of the facts which support the conviction/charge and all associated circumstances to the performance of his or her occupational responsibilities with the licensed school and to that school's students.

(d) In making such determinations the agency shall request a letter of recommendation from the employing school and may consider any other related materials submitted by the school and/or affected individual prior to making a finding under this section.

AMENDATORY SECTION (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-160 FACILITIES. (See RCW 28C.10.050 and 28C.10.060.) (1) To be licensed under this chapter, the school must have an exact physical location or locations, including in that requirement any auxiliary facility(ies) operated under the provisions of WAC 490-100-035(1).

(2) The physical ((plant and equipment)) structure, classrooms, laboratories, faculty and staff accommodations, study and study lounge areas, restroom/sanitary facilities, and heating/ventilation capabilities of the school shall be commensurate in size, accommodations, and condition to meet the purposes of the school and the program objectives. The school must provide a modern and effective learning environment containing enough classroom, laboratory, and shop space for the number of students to be trained.

(3) The school must have evidence available for agency inspection demonstrating that all premises are maintained in compliance with applicable state laws and local

ordinances relating to the safety and health of persons on the premises.

AMENDATORY SECTION (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-170 EQUIPMENT AND MATERIALS. (See RCW 28C.10.050 and 28C.10.060.) Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall be adequate to achieve the stated educational objectives of the course(, ~~and~~). It shall be comparable in number and quality with those used by comparable schools with similar programs and educational objectives(~~The equipment available must be~~), comparable to that in current use by the appropriate trade, business or profession, and be of sufficient quantity for the number of enrolled students.

AMENDATORY SECTION (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-180 TUITION RECOVERY FUND. (See RCW 28C.10.082, and 28C.10.084.) (1) Establishment of fund liability limits. The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be based on the following scale:

<u>Total Annual Tuition Income:</u>	<u>Liability Limit:</u>
\$ 0.00 to \$ 50,000 .....	\$ 5,000
\$ 50,001 to \$ 75,000 .....	\$ 7,500
\$ 75,001 to \$ 100,000 .....	\$ 10,000
\$ 100,001 to \$ 150,000 .....	\$ 15,000
\$ 150,001 to \$ 200,000 .....	\$ 20,000
\$ 200,001 to \$ 250,000 .....	\$ 25,000
\$ 250,001 to \$ 350,000 .....	\$ 35,000
\$ 350,001 to \$ 500,000 .....	\$ 50,000
\$ 500,001 to \$ 750,000 .....	\$ 75,000
\$ 750,001 to \$ 1,000,000 .....	\$100,000
\$ 1,000,001 to \$ 1,250,000 .....	\$125,000
\$ 1,250,001 to \$ 1,500,000 .....	\$150,000
\$ 1,500,001 to \$ 1,750,000 .....	\$175,000
\$ 1,750,001 and above .....	\$200,000

Provided: (a) That the calculation of total annual tuition for a school located outside the state of Washington shall include only that income derived from residents of this state during the entity's preceding fiscal year of operation, as evidenced in the financial statement required by WAC 490-800-100(~~(5)~~) (4); (b) institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of the total annual tuition estimate that institution supplies under the provisions of WAC (~~(490-800-120)~~) 490-100-100(4); (c) no liability established in any circumstance shall be less than five thousand dollars or more than two hundred thousand dollars.

(2) Matrix for calculating initial capitalization deposits and any assessments necessary under subsection (8) of this section:



Level of Liability (Section 1):	Prorated Participatory Share:
\$ 5,000.....	\$ 0.15%
\$ 7,500.....	\$ 0.23%
\$ 10,000.....	\$ 0.30%
\$ 15,000.....	\$ 0.46%
\$ 20,000.....	\$ 0.61%
\$ 25,000.....	\$ 0.76%
\$ 35,000.....	\$ 1.07%
\$ 50,000.....	\$ 1.52%
\$ 75,000.....	\$ 2.28%
\$100,000.....	\$ 3.05%
\$125,000.....	\$ 3.81%
\$150,000.....	\$ 4.57%
\$175,000.....	\$ 5.33%
\$200,000.....	\$ 6.10%

Level of Liability (Section 1):	Semiannual Deposit Required:
\$ 20,000 .....	\$ 487
\$ 25,000 .....	\$ 609
\$ 35,000 .....	\$ 853
\$ 50,000 .....	\$ 1,219
\$ 75,000 .....	\$ 1,828
\$100,000 .....	\$ 2,437
\$125,000 .....	\$ 3,046
\$150,000 .....	\$ 3,656
\$175,000 .....	\$ 4,265
\$200,000 .....	\$ 4,874

(3) *Initial capitalization.* Each entity applying to be initially licensed under this chapter shall submit to the agency in cash, or by check or money order, the following amounts for deposit into the tuition recovery fund, those being calculated by application of the matrix displayed under subsection (2) of this section to an amount totaling two hundred thousand;

Level of Liability (Section 1):	Capitalization Deposit:
\$ 5,000 .....	\$ 305
\$ 7,500 .....	\$ 457
\$ 10,000 .....	\$ 609
\$ 15,000 .....	\$ 914
\$ 20,000 .....	\$ 1,219
\$ 25,000 .....	\$ 1,523
\$ 35,000 .....	\$ 2,133
\$ 50,000 .....	\$ 3,046
\$ 75,000 .....	\$ 4,570
\$100,000 .....	\$ 6,093
\$125,000 .....	\$ 7,616
\$150,000 .....	\$ 9,139
\$175,000 .....	\$ 10,663
\$200,000 .....	\$ 12,186

(4) *Five-year contribution schedule.* As a condition to remaining licensed under this chapter, each entity shall, commencing six months after the due date of its initial capitalization deposit and thereafter, remit to the agency for deposit into the tuition recovery fund semiannual payments in cash, or by check or money order in accordance with the following schedule, such amounts being calculated by application of the matrix displayed under subsection (2) of this section to an amount totaling one million dollars; however the calculation of final payment may be adjusted to cover total remittances to equal the total amount of deposit due.

Level of Liability (Section 1):	Semiannual Deposit Required:
\$ 5,000 .....	\$ 122
\$ 7,500 .....	\$ 183
\$ 10,000 .....	\$ 244
\$ 15,000 .....	\$ 366

(5) *Transition into tuition recovery fund.* A training location operated prior to June 7, 1990, as an "additional instruction site" (WAC ((~~490-800-100~~)) 490-100-100(2)) under a license issued to a common owner but required to be individually licensed as a consequence of RCW 28C.10.020(7) will, upon the expiration of its current license to operate:

(a) Be considered to have commenced its participation in the tuition recovery fund under the terms of RCW 28C.10.084 on the first date that participation under the fund was commenced by its common owner(s); and

(b) Be considered to have satisfied the requirement for an "initial capitalization" deposit (RCW 28C.10.084(5) and WAC ((~~490-800-180~~)) 490-100-180(3)) by recognizing in its name the initial capitalization deposit received on its behalf from its common owner(s); and

(c) Begin, effective with the date it is required to be separately licensed and thereafter, to make semiannual contributions to the tuition recovery fund on the basis of its reported total tuition income, calculated under subsection (4) of this section; and

(d) Begin, effective with the date it is required to be separately licensed and thereafter, to make semiannual deposits that are the same in number as remained unpaid by its common owner(s) on that date, until it has completed the schedule of ten payments described under subsection (4) of this section.

(6) The agency will prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under subsection (4) of this section. The fee for late filings under WAC ((~~490-800-120~~)) 490-100-120(3) of this chapter shall apply to late payments of deposits into the fund for a period cumulating to thirty calendar days. Failure to make a deposit within thirty calendar days is a violation of RCW 28C.10.050 (1)(f).

(7) Each notice conforming to subsection (6) of this section shall include therein at least once each year:

(a) A notation showing the licensee's aggregated prior deposits into the fund;

(b) A notation showing the licensee's balance of remaining payments, based on the most recent deposit received;

(c) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting; and

(d) A summary showing any disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(8) Within thirty calendar days after disbursements made to settle claims reduce the operating balance below two hundred thousand dollars and recovery of such funds has not been ensured under the provisions of RCW 28C.10.084 (9)(d) and/or (10), the agency shall assess each licensee a pro rata share of an amount required to restore the deficiency created by such disbursements. In making calculations of each respective share the agency shall employ the same percentages of liability established by the matrix appearing under subsection (2) of this section. In the event that the amount of any single such assessment equals or is less than the semiannual amount of deposit established for a licensee under subsection (4) of this section, the assessment shall be paid within thirty calendar days of notice. In the event any single assessment exceeds the amount of its semiannual deposit, the entity may apply to the agency for a schedule of deferred payments. The agency shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(9) Funds disbursed to settle claims against a current licensee shall be recovered by the agency under a schedule to be negotiated with the affected entity on a case-by-case basis following such disbursement. To secure deferral of payment more than thirty calendar days after demand for recovery is made, the burden to prove manifest hardship rests on the entity but in no case shall the time extended exceed one year beyond the date of the initial demand notice.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-200 COMPLAINTS. (See RCW 28C.10.080(5) and 28C.10.120.) (1) To be adjudicated under this chapter, a complaint against a licensee by a former student must be filed no more than one calendar year following the student's last recorded date of attendance or, in the case of correspondence students, one calendar year following the date on which the school received the most recently submitted test for grading or, if the school closes, within sixty calendar days of the closure. Such time may be extended by the agency based on a showing that good faith efforts to obtain satisfaction from the school were being pursued by the student during the time elapsed.

(2) Complaints shall be made in writing to the agency and contain the following information:

(a) The complaining party's name, Social Security number, address, and phone number;

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

(c) Nature of complaint, such as, failure to refund tuition, misrepresentation, or other unfair business practice as specified in the act and these rules;

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

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

(f) Copies of pertinent documents, such as, the enrollment agreement, financial data and payment contracts, catalog, advertisements, etc.

(3) Upon receipt of a complaint alleging that an institution has failed or is failing to comply with the provisions of the act or this chapter, the agency shall:

(a) Notify the school by mail of the nature of the allegations, including a copy of the complaint and its attachments;

(b) Afford the institution fifteen working days to respond: **PROVIDED**, That the failure by an institution to submit a timely response will be treated by the agency as evidencing that it has no defense to offer;

(c) Investigate the facts supplied by all parties;

(d) Adjudicate the complaint;

(e) Notify all parties of the determinations and remedies.

(4) Any adjudication made under this section by the staff of the agency which is alleged to be unreasonable or unfair in its effect upon institutions or students, and/or which is alleged to be not in keeping with the intent and purposes of the act or these rules and regulations may be appealed by the affected party(ies) to the (~~executive~~) deputy director. An informal hearing on the issues shall be conducted by the (~~executive~~) deputy director in response to such request. He/she may uphold or reject prior determinations of the staff, in whole or in part; may call for further findings; or take any other action he/she deems appropriate under the circumstances, pursuant to the provisions of the act and these rules.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-205 APPEALS. (See RCW 28C.10.120 and 34.05.410.) Any school feeling aggrieved by any dispute involving the following actions may request a hearing pursuant to WAC (~~490-800-208~~) 490-100-208 and chapter 34.05 RCW:

(1) A denial of an exemption under RCW 28C.10.030.

(2) A denial, suspension or revocation of licensing under RCW 28C.10.050.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-208 HEARINGS. (See RCW 28C.10.120.) (1) Any hearing called for under the act or these rules shall be conducted by a designated hearings officer in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) A designated hearings officer shall make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the (~~board members~~) executive director for final action pursuant to RCW 34.05.461.

(3) The (~~board members~~) executive director may accept or reject, in whole or in part, any recommendations made by the hearings officer, may remand for further findings, or take any other action (~~they~~) he or she

deems appropriate under the circumstances, pursuant to the provisions of the act and these rules.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-210 RECORD RETENTION.** (See RCW 28C.10.060(4) and 28C.10.160.) (1) Each school shall maintain for a minimum of fifty years from the date of each student's enrollment or until such time that it ceases to be licensed under this chapter, whichever first occurs, student educational records as defined by these rules.

(2) Past and current catalogs, catalog supplements, and errata sheets shall be retained for a period of at least six years from their respective dates of publication.

(3) "Educational records" include, but are not limited to, transcripts that the school is permitted to create on a single page summary for each student, indicating:

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

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

(c) Dates of attendance;

(d) Course of instruction or subjects attempted;

(e) Amount of credit, if any, awarded for each subject;

(f) Grade for each subject completed;

(g) Date of completion, graduation, or termination together with notation of document(s) issued signifying satisfactory completion, if achieved (degree, diploma, certificate conferred);

(h) If termination, the reason(s) therefor;

(i) Signature and title of the certifying officer, and

(j) Date that transcript is prepared.

(4) "Financial records" include, but are not limited to, the following and are to be retained for no less than six years from the student's date of enrollment:

(a) Signed and completed enrollment agreements and other contracts;

(b) The student's payment record((;

(c) Financial aid records)).

(5) Financial aid records related to title IV student financial assistance are not under state jurisdiction, but should be maintained in accordance with appropriate federal regulations.

(6) Schools shall maintain for a minimum of at least one year from date of publication ((all copies)) or airing a true and legible copy of all newspaper ads and direct mail solicitations together with written or taped transcripts of all broadcast and television advertising purchased in that period.

~~((6))~~ (7) Each school must provide, upon request, transcripts described under subsection (3) of this section to students who have satisfied all financial obligations currently due and payable directly to the school.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-220 SCHOOL CLOSING/CHANGE OF STATUS.** (See RCW 28C.10.060(4);

28C.10.084(9); and 28C.10.160.) (1) "Ceases to provide educational services" means that a stoppage of training has occurred because:

(a) Facilities are rendered continuously unusable for a period of thirty calendar days or more; or

(b) Faculty or qualified substitute(s) assigned to a specific class(es) are not available or otherwise fail to perform instructional duties for five or more successive days of scheduled instruction; or

(c) Bankruptcy proceedings or other financial emergency(ies) occur with effect lasting for five or more successive days of scheduled instruction; or

(d) Adverse action has been taken by a federal, state, or local jurisdiction(s) with an effect lasting five or more successive days of scheduled instruction.

(2) The school shall make plans and take measures to protect the contractual rights of present and former students if it ceases to provide educational services to its students. A school going out of business shall return its license certificate to the agency ~~((immediately by mail))~~ within ten calendar days upon cessation of instruction or expiration of its license, whichever comes first.

(3) A school which ceases to provide educational services to its students, either voluntarily or involuntarily, shall:

(a) Inform the agency of this action immediately by the most expeditious means available, confirming such information thereafter by certified mail within three business days;

(b) Give the name, address, and telephone number of the person who will be responsible for fulfilling the requirements of this section;

(c) Provide the agency with the name, Social Security number, address, and telephone number, and the name ~~((of))~~ and cost of tuition and charges for the course of instruction for each student who has not completed the course;

(d) Provide information on the amount of class time left for each student to complete the course; the total amount of tuition and fees paid by each student for any program terminated due to the school's ceasing to provide educational services; ~~((whether or not))~~ and if the tuition and fees were paid through federal student aid, grants, or loans, ((and, if so,)) the amount and type of aid, grant, or loan ((e.g., Pell Grant, Supplemental Education Opportunity Grant, National Direct Student Loan, etc.));

(e) Prepare and distribute to all enrolled students no less than three business days prior to cessation of providing services, a written notice explaining the procedures ~~((they))~~ students are to follow to secure refunds or continue their education and furnish a copy of such notice within three business days to the agency;

(f) File with the agency procedures for disbursement of refunds to students and set a date no longer than thirty calendar days from the last day of instruction to issue refund checks in the full amount for which students are entitled.

(4) If students are receiving instruction prior to the school's ceasing to provide educational services, the school shall file with the agency its plans if any, for

teach-out, insuring that all affected students will continue to receive training of the same quality and content as that for which they contracted:

(a) Arrangements for teaching out students made with a public or other licensed private school shall be filed with the agency;

(b) The agency shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.

(5) Unless the student agrees in writing to comparable training, a school that ceases to provide educational services shall make pro rata refunds to the student or his/her parent, guardian or sponsor based on a day-by-day proportion of the services provided compared to the total length of the program.

**AMENDATORY SECTION** (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

**WAC 490-100-250 DEGREE-GRANTING PRIVATE VOCATIONAL SCHOOLS—APPLICABLE RULES.** (See RCW 28C.10.040(4).) (1) Institutional accredited degree-granting private vocational schools.

(a) Pursuant to rules adopted by the higher education coordinating board, that agency will exempt from compliance with chapter 28B.85 RCW those degree programs that are covered by the institution's accreditation. For purposes of this exemption, the board recognizes those national and regional institutional accrediting agencies recognized by the council on postsecondary accreditation.

(b) The state board for vocational education or its successor agency will process the application of an institutionally accredited degree-granting private vocational school which offers nondegree programs in accordance with chapter 28C.10 RCW. The license fee and bond or other security shall be based on the income derived from nondegree programs.

(2) Nonaccredited degree granting private vocational schools:

(a) The higher education coordinating board will process the application and collect the fee of nonaccredited degree-granting private vocational institutions when the majority of programs offered are degree programs. Non-degree programs will be reviewed by the state board for vocational education or its successor agency, as will student complaints regarding nondegree programs. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(b) The state board for vocational education or its successor agency will license nonaccredited degree-granting private vocational schools when the majority of programs offered are nondegree programs and collect fees based on annual income from nondegree programs; PROVIDED, That the minimum initial fee shall be eight hundred dollars and the minimum renewal fee shall be four hundred dollars. Degree programs will be reviewed by the higher education coordinating board, as will student complaints regarding degree programs. Contributions to the tuition recovery fund will be required under WAC ((~~490-800-180~~) 490-100-180).

(3) If either the state board for vocational education or its successor agency or the higher education coordinating board revokes, suspends or fails to renew the license or authorization of an institution, it immediately will notify the other of such action.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 490-100-012 DUTIES OF THE AGENCY.**

**WSR 91-03-038  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed January 10, 1991, 9:48 a.m.]

Continuance of WSR 90-21-150 and 91-02-017.

Title of Rule: New chapter 388-155 WAC, Minimum licensing requirements for family child day care homes.

Date of Intended Adoption: January 17, 1991.

January 10, 1991

Rosemary Carr

Acting Director

Administrative Services

**WSR 91-03-039  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed January 10, 1991, 9:51 a.m.]

Continuance of WSR 90-22-099.

Title of Rule: WAC 388-44-145 Involuntary repayment of overpayment—Mandatory grant deduction.

Date of Intended Adoption: February 1, 1991.

January 10, 1991

Rosemary Carr

Acting Director

Administrative Services

**WSR 91-03-040  
NOTICE OF PUBLIC MEETINGS  
CLEMENCY AND PARDONS  
BOARD**

[Memorandum—January 10, 1991]

The Washington State Board of Clemency and Pardons hereby files with the code reviser for publication the following change of date for its December 19, 1990, meeting:

Instead of meeting at 9:00 a.m. on December 19, 1990, the Board of Clemency and Pardons will meet at 9:00

a.m. on January 24, 1991, in the Governor's Conference Room, Olympia, Washington.

**WSR 91-03-041**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Memorandum—January 8, 1991]

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, January 16, 1991, at 2:00 p.m. in Room 601 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

**WSR 91-03-042**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Memorandum—January 7, 1991]

The following is a meeting schedule for regular meetings to be held by the University of Washington's Department of Endodontics.

**Endodontic Faculty**

Meeting Dates	Location	Time
Fridays	D-657 Health Sciences	8:15-9:15 a.m.

**WSR 91-03-043**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Order 90-18—Filed January 10, 1991, 4:47 p.m.]

Continuance of WSR 90-20-121.

Title of Rule: WAC 296-24-233 Motor vehicles and trailers; and 296-24-23303 Vehicle inspection reports.

Purpose: The permanent adoption of these sections is being delayed to further review public comments and testimony received at the public hearing held on November 8, 1990.

Date of Intended Adoption: March 10, 1991.

January 10, 1991  
 Joseph A. Dear  
 Director

**WSR 91-03-044**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Order 90-18—Filed January 10, 1991, 5:00 p.m., effective February 12, 1991]

Date of Adoption: January 10, 1991.

Purpose: Chapter 296-24 WAC, General safety and health standards, the purposes of the state-initiated amendments to this chapter are to incorporate the contents of various WISHA regional directives that have been in effect from as early as 1977, correct a reference, amend existing sections relating to motor vehicles to conform with other WISHA standards and existing federal and state regulations, and amend one section relating to powered platforms, to allow for the use of new fall protection technology and make the state regulation identical to OSHA requirements; chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives, the purpose of the proposed state-initiated amendments to this chapter is to amend sections relating to explosives to be at-least-as-effective-as the federal regulations; chapter 296-62 WAC, General occupational health standards, the purposes of the proposed amendments to this chapter are to incorporate the contents of various WISHA regional directives that have been in effect from as early as 1977, and federal-initiated amendments to sections relating to asbestos, tremolite, anthophyllite, and actinolite; chapter 296-115 WAC, Safety requirements for passenger vessels, the purposes of the proposed state-initiated amendments to this chapter include the following: Incorporate exemptions, standardize appellate time, amend and add definitions, clarifications, add the term "unintentional grounding" as a condition of reinspection, reduce the "haul out" time, add the United States Coast Guard navigation rules international/inland by reference, require the owner to swing the vessel to determine compass deviation from true headings, and allow a state of Washington operator's license as an alternative to a United States Coast Guard operator's license; chapter 296-155 WAC, Safety standards for construction work, the purposes of the proposed state-initiated amendments to this chapter are to amend a section relating to hoists and elevators to address the need to lockout equipment; correct an error in earlier rule promulgation by readoption of subsections which were deleted through typographical error; reduce compliance requirements from annual x-ray of booms; and propose a new Part C-1, Fall restraint and fall arrest. These proposed new sections are related to fall protection in the construction industry. Various sections throughout chapter 296-155 WAC are proposed for amendment to reflect the requirements of the new sections. Additional federal-initiated changes are proposed to Part N of this chapter. These sections relating to excavation work are to be at-least-as-effective-as the federal final rule published in Federal Register Volume 54, Number 209, dated October 31, 1989; and chapter 296-305 WAC, Safety standards for firefighters, the purpose of the proposed state-initiated amendments to this chapter is to reduce the requirement for annual testing of aerial devices to conform to information received by Underwriters Testing Laboratories regarding possible damage to equipment.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-155-225, 296-155-230, 296-155-50501, 296-155-65505, 296-155-660, 296-155-66005, 296-155-665, 296-155-66501, 296-155-66502, 296-155-66503, 296-155-66504, and 296-155-66505; and

amending WAC 296-24-020, 296-24-065, 296-24-084, 296-24-150, 296-24-15001, 296-24-15003, 296-24-16531, 296-24-19505, 296-24-19509, 296-24-200, 296-24-23023, 296-24-23027, 296-24-450, 296-24-68203, 296-24-75009, 296-24-75011, 296-24-87035, 296-24-95611, 296-52-417, 296-52-465, 296-52-489, 296-52-493, 296-52-497, 296-62-07314, 296-62-07329, 296-62-07715, 296-62-07719, 296-62-07721, 296-62-07725, 296-62-07731, 296-26-07733, 296-115-005, 296-115-010, 296-115-015, 296-115-025, 296-115-035, 296-115-060, 296-115-070, 296-115-100, 296-155-480, 296-155-485, 296-155-48529, 296-155-48531, 296-155-48533, 296-155-500, 296-155-505, 296-155-50503, 296-155-525, 296-155-530, 296-155-620, 296-155-625, 296-155-650, 296-155-655, 296-155-682, 296-155-688, 296-155-689, 296-155-700, 296-155-705, 296-155-720, 296-155-950, and 296-305-110.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 91-01-026 on December 10, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-62-07715 Respiratory protection, as a result of written comment received, this section is being adopted with the following revisions: WAC 296-62-07715 (3)(a) is revised deleting "where concentrations of asbestos fibers are greater than 200 f/cc or of unknown concentrations." This exception is not applicable. WAC 296-62-07715 (3)(a) and (b) are exceptions provided to indicate requirements of pressure demand mode respirator use versus continuous flow mode respirator use. The continuous flow mode respirator may be used where historical or daily monitoring indicates the concentration of asbestos fibers are not expected to exceed 20 f/cc. WAC 296-62-07715 (3)(b)(ii) is deleted because it is contrary to fit test requirements in WAC 296-62-07739; WAC 296-155-24503 Definitions, as a result of oral and written comments received, this section is being adopted with the following revisions: WAC 296-155-24503(26), the definition of rope grab, is revised to describe the restricted use of rope grab devices for fall restraint. WAC 296-155-24503(28), the definition of safety monitor system, is revised to change the requirement of foreman to competent person as defined in the section; WAC 296-155-24510 Fall restraint, fall arrest systems, as a result of oral and written comments received, this section is being adopted with the following revisions: WAC 296-155-24510 (2)(b)(iii) is deleted to allow the restricted use of rope grab devices for fall restraint. WAC 296-155-24510 (2)(b)(v) is revised to clarify the intents of the rule. WAC 296-155-24510 (2)(e) is deleted to remove a duplication of requirements. WAC 296-155-24510 (3)(b)(iii) is revised to correct a reference. WAC 296-155-24510 (3)(c)(i) is revised for clarification; WAC 296-155-24515 guarding of low-pitched roof perimeter, as a result of oral and written comments received, this section is being adopted with the following revisions: WAC 296-155-24515 (1)(a) is revised to correct a reference. WAC 296-155-

24515 (1)(c) is added to be at-least-as-effective-as federal regulations. This revision prohibits the use of mechanical equipment when the sole method of fall protection is the Safety monitor system. WAC 296-155-24515 (2)(b) is added to allow the use of a safety monitor only during built-up roofing operations on low pitched roofs less than 50 feet wide where the use of hot tar poses additional hazards to workers. WAC 296-155-24515(4) is revised to clarify those situation where mechanical equipment may be used or stored on a low pitched roof; and WAC 296-155-24521 safety monitor system, as a result of oral and written comments received, this section is being adopted with the following revisions: WAC 296-155-24521(1) is revised to clarify the intent of the rule. WAC 296-155-24521 (3)(a) is revised to require the safety monitor to be a competent person as defined in WAC 296-155-24503(7) instead of a foreman. WAC 296-155-24521(5) is revised for clarification.

Effective Date of Rule: February 12, 1991.

January 10, 1991  
Joseph A. Dear  
Director

#### NEW SECTION

WAC 296-24-23533 CRANE AND DERRICK SUSPENDED PERSONNEL (WORK) PLATFORMS. (1) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) "Failure" means load refusal, breakage, or separation of components.

(b) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(c) "Load refusal" means the point where the ultimate strength is exceeded.

(d) "Maximum intended load" means the total load of all employees tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(e) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(3) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(4) Operational criteria.

(a) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no

sudden movements of the crane or derrick, or the platform.

(b) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 and applying the fifty percent derating of the crane capacity.

(c) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

#### (5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device and be securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(d) All eyes in wire rope sling shall be fabricated with thimbles.

(e) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(f) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut, and retaining pin shall be used.

(g) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

#### (6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in WAC 296-24-75007 and 296-24-82503(31) respectively.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

#### (7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-24-75007, and shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of ANSI A10.14-1975.



(j) Box-type platform: The workers lanyard shall be secured to the work platform or guardrail of the work platform.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The side bar or rod shall extend a minimum of eight feet above the floor of the work platform.

(iv) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and prooftesting.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly seated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be prooftested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another prooftest shall be conducted. Personnel hoisting shall not be conducted until the prooftesting requirements are satisfied.

(g) The employer shall retain at the jobsite and produce when requested, documentation such as lift capacity information, verifying that the requirements of this standard have been met.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.



(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with those prescribed by the applicable ANSI standard for the type of crane or lift in use unless voice communication equipment is utilized. Signals shall be discernable or audible at all times.

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (4)(f) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new location, and shall be repeated for any employees newly assigned to the operation.

## NEW SECTION

WAC 296-24-76555 ALTERNATING TREAD-TYPE STAIRS. Alternating tread-type stairs have a series of steps between 50 and 70 degrees from horizontal, attached to a center support rail in an alternating manner so that a user of the stairs never has both feet at the same level at the same time. (See Figure D-12).

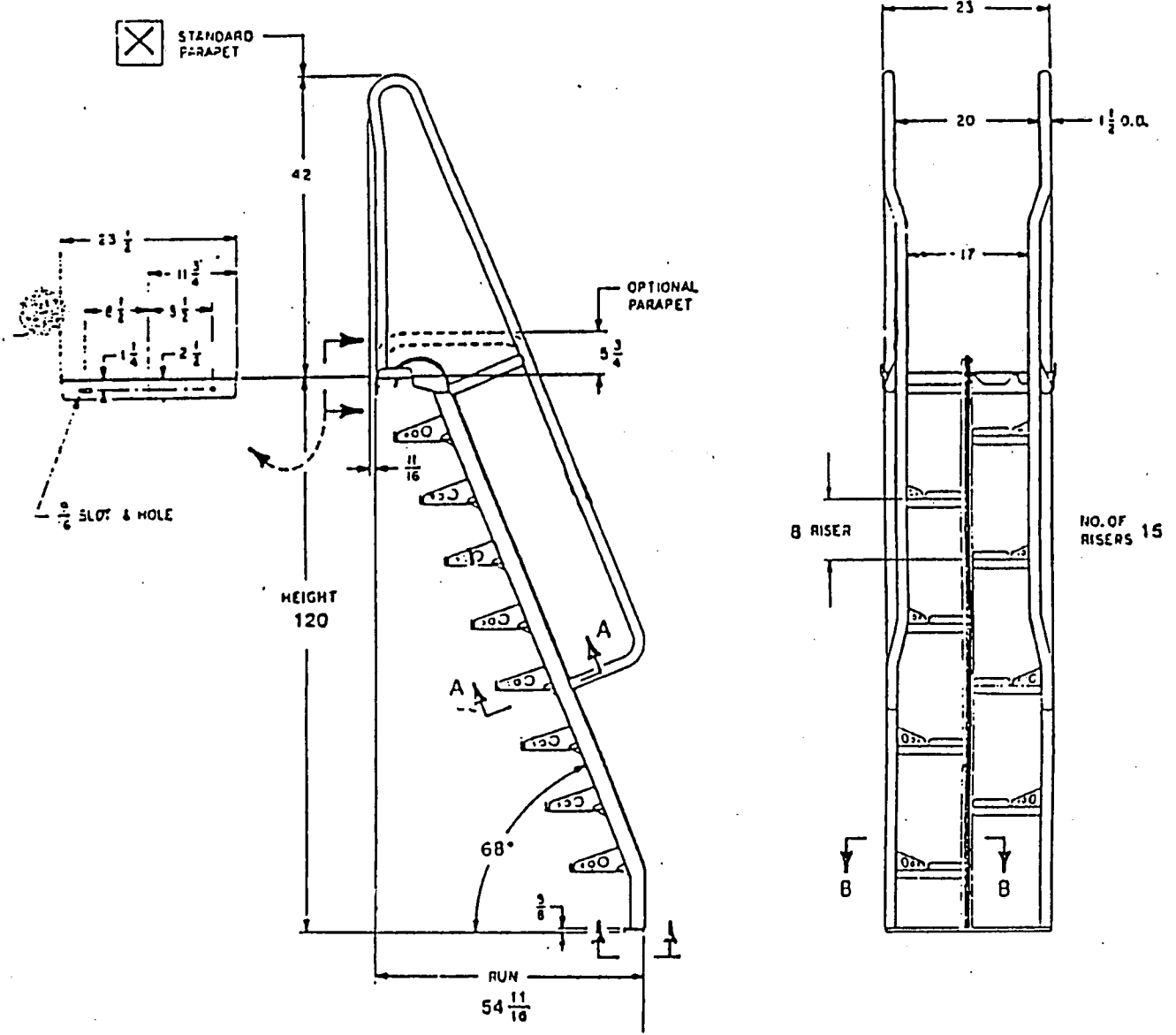
(1) Alternating tread-type stairs shall meet the requirements for fixed industrial stairs as defined in WAC 296-24-76507, 296-24-76511, through 296-24-76523 as appropriate, and shall have the following:

(a) A minimum of 17 inches between handrails.

(b) A minimum tread depth of 8 inches, a minimum tread width of 7 inches and a maximum rise of 9 1/2 inches to the tread surface of the next alternating tread.

(2) Alternating tread-type stairs shall not have more than a 20-foot continuous rise. Where more than a 20-foot rise is necessary to reach the top of a required stair, one or more intermediate platforms shall be provided in accordance with WAC 296-24-76515.

(3) Stairs and platforms shall be installed so the top landing of the alternating tread stair is flush with the top of the landing platform.



**AMENDATORY SECTION** (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

**WAC 296-24-87035 APPENDIX C—PERSONAL FALL ARREST SYSTEM (PART I—MANDATORY; PARTS II AND III—NONMANDATORY).**

**(1) Use of the appendix.**

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

**Part I**

**Personal fall arrest systems (mandatory)—(1) Scope and application.** This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-87019.

**(2) Definitions.**

**(a) Anchorage.** A secure point of attachment for lifelines, lanyards or deceleration devices, and which is independent of the means of supporting or suspending the employee.

**(b) Body harness.** A design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system.

**(c) Buckle.** Any device for holding the body harness closed around the employee's body.

**(d) Competent person.** A person who is capable of identifying hazardous or dangerous conditions in the personal fall arrest system or any component thereof, as well as in their application and use with related equipment.

**(e) Connector.** A device which is used to couple (connect) parts of the system together. It may be an independent component of the system (such as a carabiner), or an integral component of part of the system (such as a buckle or dee-ring sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

**(f) Deceleration device.** Any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self retracting-lifeline/lanyard, which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limits the energy imposed on an employee during fall arrest.

**(g) Deceleration distance.** The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest

forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

**(h) Equivalent.** Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

**(i) Free fall.** The act of falling before the personal fall arrest system begins to apply force to arrest the fall.

**(j) Free fall distance.** The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, lifeline and lanyard elongation but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

**(k) Lanyard.** A flexible line of rope, wire rope, or strap which is used to secure the body harness to a deceleration device, lifeline, or anchorage.

**(l) Lifeline.** A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**(m) Personal fall arrest system.** A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

**(n) Qualified person.** A person with a recognized degree or professional certificate and extensive knowledge and experience in the subject field who is capable of design, analysis, evaluation and specifications in the subject work, project, or product.

**(o) Rope grab.** A deceleration device which travels on a lifeline and automatically frictionally engages the lifeline and locks so as to arrest the fall of an employee. A rope grab usually employs the principle of inertial locking, cam/lever locking, or both.

**(p) Self-retracting lifeline/lanyard.** A deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

**(q) Snap-hook.** A connector comprised of a hook-shaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object. Snap-hooks are generally one of two types:

**(i) The locking type** with a self-closing, self-locking keeper which remains closed and locked until unlocked and pressed open for connection or disconnection, or

**(ii) The nonlocking type** with a self-closing keeper which remains closed until pressed open for connection or disconnection.

(r) Tie-off. The act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee shall have a minimum breaking strength of ~~((5,400))~~ 5,000 pounds (~~((23.9))~~ 22.2 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less shall have components capable of sustaining a minimum static tensile load of ~~((5,400))~~ 3,000 pounds (~~((23.9))~~ 13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards shall be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 5000 pounds (22.2 N).

(g) Dee-rings and snap-hooks shall be 100 percent proof-tested to a minimum tensile load of 3600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks shall be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, shall be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached shall be capable of supporting at least ~~((5,400))~~ 5,000 pounds (~~((23.9))~~ 22.2 kN) per employee attached, or shall be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least ~~((2))~~ two, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, shall be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems shall, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Shall have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b) (i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) in Part II of this appendix shall be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, shall not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline shall be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee shall be provided with a separate lifeline.

(f) Personal fall arrest systems or components shall be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(h) The employer shall provide for prompt rescue of employees in the event of a fall or shall assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees shall be trained in accordance with the requirements of WAC 296-24-87017(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems shall be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components shall be removed from service if their strength or function may be adversely affected.

## PART II

Test methods for personal fall arrest systems  
(nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to determine compliance with the requirements in subsection (4) of Part I of this appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a non-elastic wire lanyard of sufficient length may need to be

added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than

one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

### Part III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse affect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are

interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
- (b) The maximum elongation measured for lanyards during the force test;
- (c) The deceleration distance measured for deceleration devices during the force test;
- (d) Caution statements on critical use limitations;
- (e) Application limits;
- (f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;
- (g) Proper climbing techniques;
- (h) Methods of inspection, use, cleaning, and storage; and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-87035(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; nonfunctioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-87035 (5)(h) when personal fall arrest systems are

used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of

times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to also fall. Horizontal lifeline and anchorage strength should be increased for each additional employee to be tied-off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Although not required by this standard for all connections, locking snap-hooks designed for connection to suitable objects (of sufficient strength) are highly recommended in lieu of the nonlocking type. Locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-87035 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.

● Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8 m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard)). Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

**AMENDATORY SECTION** (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-52-417 DEFINITIONS. Definitions as used in this chapter, unless a different meaning is plainly required by the context:

(1) "American Table of Distances" (also known as Quantity Distance Tables) means American Table of Distances for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives, June 5, 1964.

(2) "Approved storage facility" means a facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under authority of the Internal Revenue Service. (See WAC 296-52-441.)

(3) "Attend" means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert and not engaged in activities which may divert ((his)) attention so that in case of an emergency ((he)) the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

((2)) (4) "Authorized," "approved" or "approval" means authorized, approved, or approval by the department of labor and industries or other approving agency or individual as specified by the provisions of this chapter.

((3)) (5) "Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

((4)) (6) "Blast area" means the area of a blast within the influence of flying rock missiles, gases, and concussion.

((5)) (7) "Blast pattern" means the plan of the drill holes laid out on a bench; an expression of the burden distance and the spacing distance and their relationship to each other.

((6)) (8) "Blast site" means the area where explosive material is handled during loading, including the perimeter of blast holes and 50 feet in all directions from loaded holes or holes to be loaded. In underground mines 15 feet of solid rib or pillar can be substituted for the 50 foot distance.



~~((7))~~ (9) "Blaster" means that qualified person in charge of and responsible for the loading and firing of a blast.

~~((8))~~ (10) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

~~((11))~~ (11) "Block holing" means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

~~((12))~~ (12) "Conveyance" means any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

~~((9))~~ (13) "Day box" means a box which is not approved as a magazine for unattended storage of explosives. Such box may be used for storage of explosives during working hours on a job site, provided that it shall always be guarded against theft, particularly in inhabited areas, and shall be attended or locked and secured against outright lifting, as the risk demands. Caps shall be safely separated from other explosives. Such day boxes shall be marked with the word "explosives" and be constructed in accordance with WAC 296-52-457(7).

~~((10))~~ (14) "Dealer" means any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

~~((11))~~ (15) "Department" means the department of labor and industries.

~~((12))~~ (16) "Detonating cord" means a round, flexible cord containing a center core of high explosive and used to initiate other explosives.

~~((13))~~ (17) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires.

~~((14))~~ (18) "Director" means the director of the department of labor and industries, or ~~((his))~~ the designated representative.

~~((15))~~ (19) "Division" means the division of industrial safety and health of the department.

~~((16))~~ (20) "Efficient artificial barricade" means an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(21) "Electric blasting cap" means a blasting cap designed for and capable of detonation by means of an electric current.

(22) "Electric blasting circuitry" means:

(a) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric blasting caps.

(b) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(c) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(d) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(23) "Electric delay blasting caps" means caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

~~((17))~~ (24) "Explosive" or "explosives" whenever used in this chapter means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the federal Department of Transportation: PROVIDED, That for the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives: PROVIDED, That such black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. Classification of explosives shall include but not be limited to the following:

Note: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR, Parts 100-199) (1984):

- (a) Class A explosives: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.
- (b) Class B explosives: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.
- (c) Class C explosives: (Including certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

~~((18))~~ (25) "Explosive-actuated power devices" means any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

~~((19))~~ (26) "Explosives manufacturing building" means any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

~~((20))~~ (27) "Explosives manufacturing plant" means all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well

as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

~~((21))~~ (28) "Factory building" means the same as "manufacturing building."

~~((22))~~ (29) "Forbidden or not acceptable explosives" means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

~~((23))~~ (30) "Fuel" means a substance which may react with oxygen to produce combustion.

~~((24))~~ "Fuse cap (fuse detonator)" means a detonator which is initiated by a safety fuse; also referred to as an ordinary blasting cap.)

~~((25))~~ (31) "Fuse (safety)" means a flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a fuse detonator.

(32) "Fuse cap (fuse detonator)" means a detonator which is initiated by a safety fuse; also referred to as an ordinary blasting cap.

(33) "Fuse lighters" means special devices for the purpose of igniting safety fuse.

~~((26))~~ (34) "Handler" means any person/individual who handles explosives for purposes of transporting, moving, or assisting a licensed user (blaster) in loading, firing, blasting, or disposing of explosives and blasting agents. This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers or contract haulers.

~~((27))~~ (35) "Handloader" means any person who engages in the noncommercial assembling of small arms ammunition for ~~(his own)~~ personal use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

~~((28))~~ (36) "Handloader components" means small arms ammunition, small arms ammunition primers, smoke-less powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

~~((29))~~ (37) "Highway" means any public street, public alley, or public road.

~~((30))~~ (38) "Inhabited building" means only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives. ~~(The)~~ A magazine for indoor storage is not required to be a cubic yard in size as long as it is constructed as stated in WAC 296-52-090(3).

**Note:** The interpretation of an uninhabited building as defined by the "Bureau of Alcohol, Tobacco, and Firearms" Department of the Treasury, which is the federal regulatory agency of explosives, allows 50 pounds of high explosives or 5,000 caps in a warehouse, wholesale, or retail establishments. It also states: "No indoor facilities for storage of high explosive shall be located in a residence or dwelling." We only allow 1,000 caps,

which is computed to 1-1/2 pounds of explosives and is much less than the Bureau of Alcohol, Tobacco, and Firearms allows. Therefore, the department will allow indoor storage to include shops and maintenance buildings.

~~((31))~~ (39) "Magazine" means any building, structure or container, other than an explosive manufacturing building, approved for the storage of explosive materials.

~~((32))~~ (40) "Manufacturer" means any person engaged in the business of manufacturing explosive materials for purposes of sale, distribution, or use.

(41) "Misfire" means the complete or partial failure of an explosive charge to explode as planned.

~~((33))~~ (42) "Motor vehicle" means any self-propelled automobile, truck, tractor, semitrailer or full trailer, or other conveyance used for the transportation of freight.

~~((34))~~ (43) "Mudcap" means covering the required number of cartridges that have been laid on top of a boulder with a three or four inch layer of mud (free from rocks or other material which might constitute a missile hazard). Mudcapping is also commonly known as "bulldozing" and "dobyng."

~~((35))~~ (44) "Natural barricade" means any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(45) "Nonelectric delay blasting cap" means a blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal from miniaturized detonating cord.

~~((36))~~ (46) "Oxidizer" means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

~~((37))~~ (47) "Permanent magazines" means magazines that are permanently fastened to a foundation and that are left unattended. The capacity of said permanent magazines shall not exceed the limits stated in RCW 70.74.040. Permanent magazines shall be approved and licensed.

~~((38))~~ (48) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

~~((39))~~ (49) "Person responsible," for an explosives magazine, means the legal person who actually operates the magazine and who is responsible for the proper storage, protection and removal of the explosives. The responsible person may be the owner or the lessee or the authorized operator of the magazine.

~~((40))~~ (50) "Portable magazines" also called "field" magazines means magazines that are designed to be unattended and that are not permanently fastened to a foundation. Said magazines shall be so constructed or secured that they can not be readily lifted and carried away by unauthorized persons. The capacity of said portable magazines shall be limited to the amount of explosives required for efficient operation. Portable magazines shall be approved and licensed.

~~((41))~~ (51) "Possess" means the physical possession of explosives in one's hand, vehicle, magazine or building.

(52) "Primary blasting" means the blasting operation by which the original rock formation is dislodged from its natural location.

~~((42))~~ (53) "Primer" means a unit, package, cartridge, or container of explosives ((used)) into which a detonator or detonating cord is inserted or attached to initiate other explosives or blasting agents.

~~((43))~~ (54) "Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

~~((44))~~ (55) "Public conveyance" means any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

~~((45))~~ (56) "Public utility transmission system" means power transmission lines over 751 volts, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

~~((46))~~ (57) "Purchaser" means any person who buys, accepts, or receives any explosives or blasting agents.

~~((47))~~ (58) "Pyrotechnics" means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

~~((48))~~ (59) "Railroad" means any steam, electric, or other railroad which carries passengers for hire.

~~((49))~~ (60) "Railroad freight car" means cars that are built for and loaded with explosives and operated in accordance with DOT rules.

(61) "Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

(62) "Secondary blasting" means the reduction of oversize material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

~~((50))~~ (63) "Semiconductive hose" means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

~~((51))~~ (64) "Shall" means that the rule establishes a minimum standard which is mandatory.

~~((52))~~ (65) "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

~~((53))~~ (66) "Small arms ammunition primers" means small percussion-sensitive explosive charges encased in a cap or capsule and used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

~~((54))~~ (67) "Smokeless propellants" means solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

~~((55))~~ (68) "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

~~((56))~~ (69) "Special industrial explosives materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, trinitrotoluene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1, 3, 5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(70) "Springing" means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities of explosives may be inserted therein.

~~((57))~~ (71) "Sprung holes" means to spring or chamber the bottom of the drilled hole to allow room for additional explosives as a bottom load.

(72) "Stemming" means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mud-capping.

~~((58))~~ (73) "Trailer" means semitrailers or full trailers as defined by DOT, that are built for and loaded with explosives and operated in accordance with DOT rules.

~~((59))~~ (74) "Unclassified explosives" means any two components which, when mixed become capable of detonation by a No. 6 test blasting cap.

~~((60))~~ (75) "User" means any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

~~((61))~~ (76) "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are:

(a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder,

(b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

~~((62))~~ (77) "DOT specification" are regulations of the Department of Transportation published in 49 CFR Chapter I.

#### AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-465 STORAGE OF AMMONIUM NITRATE. (1) Scope and definitions.

(a) Except as provided in (d) of this subsection applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade,

and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting agents.

(b) This section does not apply to the transportation of ammonium nitrate.

(c) This section does not apply to storage under the jurisdiction of and in compliance with the regulations of the United States Coast Guard (see 46 CFR Parts 146-149).

(d) The storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by the "definition of test procedures for ammonium nitrate fertilizer" is prohibited.

(e) Nothing in this section shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to the public is created.

(f) The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and test procedures for ammonium nitrate fertilizer," available from the National Plant Food Institute, 1700 K Street N.W., Washington, D.C. 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

(g) The standards for ammonium nitrate (nitrous oxide grade) are those found in the "specifications, properties, and recommendations for packaging, transportation, storage, and use of ammonium nitrate," available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

(2) General provisions.

(a) This subsection applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds or more.

(b) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(d) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(e) The wall on the exposed side of a storage building within 50 feet of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistant construction. In lieu of the fire-resistant wall, other suitable means of exposure protection such as a free standing wall may be used. The roof coverings shall be Class C or better, as defined in Roof Coverings, NFPA 203M-1970.

(f) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, traps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(g) The continued use of an existing storage building or structure not in strict conformity with this section may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(h) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) Storage of ammonium nitrate in bags, drums, or other containers.

(a) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(b) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of (a) of this subsection.

(c) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130°F.

(d) Bags of ammonium nitrate shall not be stored within 30 inches of the storage building walls and partitions.

(e) The height of piles shall not exceed 20 feet. The width of piles shall not exceed 20 feet and the length 50 feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches below the roof or supporting and spreader beams overhead.

(f) Aisles shall be provided to separate piles by a clear space of not less than 3 feet in width. At least one service or main aisle in the storage area shall be not less than 4 feet in width.

(4) Storage of bulk ammonium nitrate.

(a) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(b) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet.

(c) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(d) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(e) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "ammonium nitrate" with letters at least 2 inches high.

(f) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(g) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead.

(h) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130°F.

(i) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(5) Contaminants.

(a) Ammonium nitrate shall be in a separate building or shall be separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage or organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subsection need extend only to the underside of the roof.

(b) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in (a) of this subsection by a space of at least 30 feet.

(c) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to WAC 296-24-330, and when walls and sills or curbs are provided in accordance with (a) or (b) of this subsection.

(d) LP-Gas shall not be stored on the premises except when such storage conforms to WAC 296-24-475.

(e) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to chapter 296-52 WAC.

(f) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(g) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 of WAC 296-52-481, but by not less than 50 feet.

(h) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with chapter 296-52 WAC.

(6) General precautions.

(a) Electrical installations shall conform to the requirements of chapter 296-46 WAC for ordinary locations. They shall be designed to minimize damage from corrosion.

(b) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78-1968.)

(c) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) Fire protection.

(a) Not more than 2,500 (2270 metric) tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of the approved type and installed in accordance with WAC 296-24-607.

(b) Suitable fire control devices such as small hose or portable fire extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. Suitable fire control devices shall comply with the requirements of WAC 296-24-592 and 296-24-602.

(c) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-52-489 TRANSPORTATION. (1) The transportation of explosives by vehicle on public highways shall be administered by the United States Department of Transportation, CFR 49-1978, Parts 100 through 199, and the Washington state patrol under RCW 46.48.170. The following sections cover the transportation of explosives on the job site.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from the disabled vehicle to another, only when proper and qualified supervision is provided.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonation cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(2) Transportation vehicles. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(3) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199.

(4)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to

WAC 296-24-58501(19) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(5) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. ~~((He))~~ The attendant shall have been made familiar with the vehicle ((he is)) to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle.

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

(6) Transporting of explosives and blasting caps or electric blasting caps in the same vehicle. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps may be transported in the same vehicle with other explosives, provided the following condition is complied with:

The top, lid or door, sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, asbestos board or sheetrock and sheet metal. In order of arrangement, from inside to outside, the laminate must consist of the following with the minimum thickness of each lamination as indicated: 1/4-inch plywood, 1-inch solid hardwood, 1/2-inch plywood, 1/2-inch sheetrock or 1/4-inch asbestos board, and 22-gauge sheet metal constructed inside to outside in that order.

(7) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for one day's usage.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Only a state approved powder car or vehicle shall be used underground.

~~((f))~~ (f) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

~~((ff))~~ (g) Wires on electric caps shall be kept shunted until wired to the bus wires.

~~((gt))~~ (h) The powder car or vehicle shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be

checked weekly to detect any failures that may constitute an electrical hazard and a written record of such inspection shall be kept on file for the duration of the job.

(i) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(j) No one, except the operator, the helper, and/or the powderman, shall be permitted to ride on a conveyor transporting explosives and blasting agents.

(k) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(l) No explosives or blasting agents shall be transported on a man-haul trip.

(m) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(n) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

(o) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(p) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(q) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(8) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

#### AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

#### WAC 296-52-493 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast site. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or day box magazines shall be used for taking detonators and other explosives from storage magazines to the blast site.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast

shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades or woven wire mats to insure the safety of the general public and workers.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least twenty-four hours in advance of blasting, specifying the location and intended ((item)) time of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blast site during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked.

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, September ((+98+)) 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 radio pilot lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.



Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5 - 25	100
25 - 50	150
50 - 100	220
100 - 250	350
250 - 500	450
500 - 1,000	650
1,000 - 2,500	1,000
2,500 - 5,000	1,500
5,000 - 10,000	2,200
10,000 - 25,000	3,500
25,000 - 50,000	5,000
50,000 - 100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1 - 10	5
10 - 30	10
30 - 60	15
60 - 250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(i) Electric detonators shall be shunted until wired into the blasting circuit.

(j) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(k) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(l) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(m) The employer shall permit only persons having proof of valid safety explosive training to handle explosives at the blasting site.

(n) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) When opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking

metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and properly disposed of.

(3) Loading of explosives or blasting agents in blast holes.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

Note: There may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended unless stored in a licensed magazine.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden, mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(n) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.



((m)) (o) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background. All loaded stumps must be marked for identification on logging sites.

((n)) (p) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded. Flashlight batteries shall not be used for springing holes.

((o)) (q) No loaded holes shall be left unattended or unprotected.

((p)) (r) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

((q)) (s) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges – electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function and be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American wire gauge) solid core insulated wire. Bus wires – depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they

shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or stored in licensed magazine.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse. No blasting cap shall be inserted in the explosives without first making a hole in the cartridge of proper size or using a standard cap crimper.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blasters' approval.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL	— A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	— A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	— A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than fifteen minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations, and no shot shall be fired without the blasters' approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-493(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

#### AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-497 **BLASTING AGENTS.** (1) General. Unless otherwise set forth in this section, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in WAC 296-52-501.

(2) Fixed location mixing.

(a) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight shall be used because of its reduced blast effects.

(b) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(iv) The building shall be well ventilated.

(v) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be located outside the mixing building.

(vi) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(c) Equipment used for mixing blasting agents shall conform to the requirements of this subsection.

(i) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(ii) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(iii) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In gravity flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

(d) The provisions of this subsection shall be considered when determining blasting agent compositions.

(i) The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation.

(ii) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(iii) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125°F. minimum shall be used.

(iv) Crude oil and crankcase oil shall not be used.

(v) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(vi) Peroxides and chlorates shall not be used.

(e) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in WAC 296-24-956 (~~through 296-24-960~~) (25)(b); otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Safety precautions at mixing plants shall include the requirements of this subsection.

(i) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(ii) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(iii) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(iv) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(v) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(vi) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(vii) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(viii) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(ix) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(3) Bulk delivery and mixing vehicles.

(a) The provisions of this subsection shall apply to off-highway private operations as well as to all public highway movements.

(b) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subsection.

(i) The body shall be constructed of noncombustible materials.

(ii) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(iii) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(iv) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(c) Operation of bulk delivery vehicles shall conform to the requirements of WAC 296-52-489(2). These include the placarding requirements as specified by department of transportation.

(i) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(ii) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: See 49 CFR Chapter I.

(iii) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(iv) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in moving the vehicle, has assistance of a second person to guide the driver's movements.

(v) No intransit mixing of materials shall be performed.

(d) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subsection.

(i) A positive grounding device shall be used to prevent the accumulation of static electricity.

(ii) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.

(iii) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(e) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(i) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(ii) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

## (4) Bulk storage bins.

(a) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(b) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(c) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(d) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of WAC 296-24-956 through 296-24-960. They shall be designed to minimize damage from corrosion.

(e) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H-22.

(f) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H-22.

## (5) Transportation of packaged blasting agents.

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of WAC 296-52-489 shall be complied with.

(b) Vehicles transporting blasting agents shall only be driven by and in charge of a driver at least twenty-one years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the states vehicle and traffic laws.

(c) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(g) When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

(h) Vehicles used for transporting blasting agents on public highways shall be placarded in accordance with DOT regulations.

(6) Use of blasting agents. Persons using blasting agents shall comply with all of the applicable provisions of WAC 296-52-493.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-62-07314 MEDICAL SURVEILLANCE. (1) At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

## (2) Examinations.

(a) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided and shall include a personal history of the employee and/or his/her family and occupation background, including genetic and environmental factors.

(i) Taking of employees medical history and background history shall be considered routine part of standard medical practice.

(ii) This provision does not require "genetic testing" of any employee.

(iii) This provision does not require the exclusion of otherwise qualified employees from jobs on the basis of genetic factors.

(b) Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.

(c) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

## (3) Records.

(a) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(b) Records required by this section shall be provided upon request to employees, designated representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director.

(c) Any employer who requests a physical examination of one of his employees or prospective employees as required by this section shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

AMENDATORY SECTION (Amending Order 86-28, filed 7/25/86)

WAC 296-62-07329 VINYL CHLORIDE. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the department of transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means chief, industrial hygiene section, department of labor and industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed.

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety



Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

Note: The Department of Interior published an article in Federal Register in April 1976 which extended time requirement for respirators used for protection against vinyl chloride to have a cartridge or canister with an end-of-service-life indicator. The indicator is an additional safety feature but does not adversely affect the effectiveness of currently approved respirator cartridges or canisters. Until approved end-of-service-life indicators are available, the respirators, cartridges, or canisters presently approved are considered to meet requirements for vinyl chloride when used per manufacturer's instructions.

(c) A respiratory protection program meeting the requirements of chapter 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	Combination Type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 250 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	Supplied air respirator demand type, with full facepiece.
(v) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.
(vi) Not over 10 ppm	Any chemical cartridge respirator with a vinyl chloride cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and

(ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, firefighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.

(f) Where air-purifying respirators are used:

(i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(g) Apparatus prescribed for higher concentrations may be used for any lower concentration.

(8) Hazardous operations.

(a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with subsections (3) and (6) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(b) Protective garments shall be provided clean and dry for each use.

(i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;

(B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.



(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (see Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

(D) Serum glutamic pyruvic transaminase (SGPT),

and

(E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician

setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT AREA AUTHORIZED PERSONNEL ONLY

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

CONTAMINATED WITH VINYL CHLORIDE CANCER-SUSPECT AGENT

(d) Containers of polyvinyl chloride shall be legibly labeled:

POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS VINYL CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(e) Containers of vinyl chloride shall be legibly labeled either:

VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER PRESSURE CANCER-SUSPECT AGENT (or)

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring and medical records shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and 296-62-05213 through 296-62-05217. These records shall be provided upon request to the director. Authorized personnel rosters shall also be provided upon request to the assistant director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

- (C) Be maintained for not less than 30 years.
- (ii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.
- (c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.
- (d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.
- (e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.
- (f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07715 RESPIRATORY PROTECTION. (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through 296-62-07753. Respirators shall be used in the following circumstances:

- (a) During the interval necessary to install or implement feasible engineering and work practice controls;
- (b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;
- (c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;
- (d) In emergencies;
- (e) In all regulated areas; and
- (f) Whenever employee exposure exceeds the permissible exposure limits.

(2) Respirator selection.

(a) Where respirators are required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator as specified in Table 1 of this section and shall ensure that the employee uses the respirator provided. The employer shall select respirators from among those approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) or by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(b) The employer shall provide a powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:

- (i) An employee chooses to use this type of respirator; and
- (ii) This respirator will provide adequate protection to the employee.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS FIBERS

Concentration of asbestos fibers	Required Respirator <sup>a</sup>
Not in excess of 2 f/cc.	1. Half-mask, air-purifying respirator, other than a disposable respirator, equipped with high-efficiency filters.
Not in excess of 10 f/cc.	1. Full facepiece air-purifying respirator equipped with high-efficiency filters.
Not in excess of 20 f/cc.	1. Any powered air-purifying respirator equipped with high-efficiency filters. 2. Any supplied-air respirator operated in continuous flow mode.

Concentration of asbestos fibers	Required Respirator <sup>ii</sup>
Not in excess of 200 f/cc.	1. Full facepiece supplied-air respirator operated in pressure demand mode.
Greater than 200 f/cc or unknown concentration.	1. Full facepiece supplied-air respirator operated in pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter. <sup>c</sup> 2. Full facepiece positive-pressure self-contained breathing apparatus (SCBA).

Note: a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.

- b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
- c. See subsection (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements. Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter to employees engaged in the following asbestos operations:

(a) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or

(b) Any dry removal of asbestos.

Exception: In lieu of the supplied-air respirator required by subsection (3) of this section, an employer may provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the continuous flow mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a back-up HEPA filter where daily and historical personal monitoring data indicates the concentration of asbestos fibers is not reasonably expected to exceed 20 f/cc. The continuous flow respirator shall be operated at a minimum air flow rate of six cubic feet per minute at the facepiece using respirable air supplied in accordance with WAC 296-62-07111.

(4) Respirator program.

(a) Where respiratory protection is required, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave work areas to wash their faces and respirator facepieces whenever necessary to prevent skin irritation associated with respirator use.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

(5) Respirator fit testing.

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of half-mask respirators to be worn in concentrations of asbestos not in excess of 2 f/cc, and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table 1 of this section.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter shall be quantitatively fit tested with the air supply disconnected at the time of initial fitting and at least every six months thereafter. The quantitative fit tests shall be conducted using the procedures described in WAC 296-62-07739(2), Appendix C, for negative pressure respirators.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07719 HYGIENE FACILITIES AND PRACTICES. (1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in small-scale, short-duration operations, as described in WAC 296-62-07712(4), to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-24-12009(3).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements for removal, demolition, and renovation operations.

(a) Decontamination area. Except for small-scale, short-duration operations, as described in WAC 296-62-07753 Appendix J, the employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of employees contaminated with asbestos. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(b) Clean room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(c) Shower area. Where feasible, shower facilities shall be provided which comply with WAC 296-24-12009(3). The showers shall be contiguous both to the equipment room and the clean change room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean change room, the employer shall ensure that employees:

(i) Remove asbestos contamination from their worksuits using a HEPA vacuum before proceeding to a shower that is not contiguous to the work area; or

(ii) Remove their contaminated worksuits, don clean worksuits, and proceed to a shower that is not contiguous to the work area.

(d) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.

(e) Decontamination area entry procedures.

(i) The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(ii) Before entering the enclosure, the employer shall ensure that employees pass through the equipment room.

(f) Decontamination area exit procedures.

(i) Before leaving the regulated area, the employer shall ensure that employees remove all gross contamination and debris from their protective clothing.

(ii) The employer shall ensure that employees remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers.

(iii) The employer shall ensure that employees do not remove their respirators in the equipment room.

(iv) The employer shall ensure that employees shower prior to entering the clean room. When taking a shower,

employees shall be fully wetted, including the face and hair, prior to removing their respirators.

(v) The employer shall ensure that, after showering, employees enter the clean room before changing into street clothes.

(g) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(h) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723(7) shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste.

The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

**AMENDATORY SECTION** (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-07721 COMMUNICATION OF HAZARDS TO EMPLOYEES. (1) Upon written or oral request, a copy of the written report required in WAC 296-62-07707 and 296-65-020 shall be given to the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing material. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(2) Warning signs.

(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED  
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by paragraph (2)(a) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(3) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(d) Where minerals to be labeled are only tremolite, anthophyllite, or actinolite, the employer may replace the term "asbestos" with the appropriate mineral name.

(4) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (5) of this section.

(5) The provisions for labels required by subsection (3) of this section or for material safety data sheets required by subsection (4) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the action level and/or excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(6) Employee information and training.

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos;

(ii) The relationship between smoking and exposure to asbestos in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures, personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725; ~~((and))~~

(viii) The content of this standard, including appendices;

(ix) The names, addresses, and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(x) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(d) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) The employer shall inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I.

(7) Certification.

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003(4) shall be

certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (2) and (3), all employees shall be trained according to subsection (6) of this section, regardless of their exposure levels.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-62-07725 MEDICAL SURVEILLANCE.** (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of fibers of asbestos at or above the action level and/or excursion limit. Exception. Employers in the construction industry shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level for thirty or more days per year, or who are required by this section to wear negative-pressure respirators.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV<sub>1.0</sub>); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.

(a) Periodic medical examinations shall be made available annually.

(b) The scope of the medical examination shall be in conformance with the protocol established in subsection

(2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

Years since first exposure	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10.....	Every 5 years	Every 5 years	Every 5 years.
10+.....	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.

(a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos at or above the action level and/or excursion limit.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

(6) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and Appendices D, E, and H of WAC 296-62-07741, 296-62-07743, and 296-62-07749 respectively.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; ~~(and)~~

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from asbestos exposure that require further explanation or treatment; and

(iv) A statement that the employee has been informed by the physician of the increased risk of lung cancer attributable to the combined effect of smoking and asbestos exposure.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07731 DATES. (1) The requirements of the asbestos standard issued in May 1973, as amended, and published in WAC 296-62-07517, remain in effect until compliance is achieved with the parallel provisions of WAC 296-62-077 through 296-62-07753.

(2) Start-up dates. All obligations of WAC 296-62-077 through 296-62-07753 commence on the effective date except as follows:

(a) Hygiene and lunchroom facilities. Changerooms, showers, lavatories, and lunchroom facilities shall be constructed and in use no later than July 20, 1987. However, if as part of the compliance plan for a fixed facility as opposed to mobile or construction type activities it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the time weighted average and/or excursion limit by July 20, 1988, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limits.

(b) Compliance program. Written compliance programs required by WAC 296-62-07713(2) as a result of initial monitoring shall be completed and available for inspection and copying as soon as possible but no later than July 20, 1987.

(c) Methods of compliance. The engineering and work practice controls as required by WAC 296-62-07713(1) shall be implemented as soon as possible but no later than July 20, 1988.

(3) Compliance date. The requirements of WAC 296-62-07719(5), 296-62-07721 (2)(c), 296-62-07721 (6)(c)(ix), (x) and (d)(iii), and WAC 296-62-07725 (7)(a)(iv) shall be complied with by December 27, 1990.

**AMENDATORY SECTION** (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07733 APPENDICES. (1) The following appendices to this chapter are mandatory.

(a) WAC 296-62-07735, Appendix A—WISHA reference method—Mandatory.

(b) WAC 296-62-07739, Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.

(c) WAC 296-62-07741, Appendix D—Medical questionnaires—Mandatory.

(d) WAC 296-62-07743, Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.

(2) The following appendices to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

(a) WAC 296-62-07737, Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory.

(b) WAC 296-62-07745, Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory.

(c) WAC 296-62-07747, Appendix G—Substance technical information for asbestos—Nonmandatory.

(d) WAC 296-62-07749, Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory.

(e) WAC 296-62-07751, Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.

(f) WAC 296-62-07753, Appendix J—Work practices and engineering controls for small-scale, short-duration asbestos renovation and maintenance activities—Nonmandatory.

(g) WAC 296-62-07755, Appendix K—Smoking cessation program information for asbestos, tremolite, anthophyllite, and actinolite—Nonmandatory.

**NEW SECTION**

WAC 296-62-07755 APPENDIX K—SMOKING CESSATION PROGRAM INFORMATION FOR ASBESTOS, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE—NONMANDATORY. The following organizations provide smoking cessation information and program material:

(1) The National Cancer Institute operates a toll-free cancer Information Service (CIS) with trained personnel to help you. Call 1-800-4-CANCER\* to reach the CIS office serving your area, or write: Office of Cancer Communications, National Cancer Institute, National Institutes of Health, Building 31, Room 10A24, Bethesda, Maryland 20892.

(2) American Cancer Society, 3340 Peachtree Road, N.E., Atlanta, Georgia 30062, (404) 320-3333. The American Cancer Society (ACS) is a voluntary organization composed of 58 divisions and 3,100 local units. Through "The Great American Smokeout" in November, the annual Cancer Crusade in April, and numerous educational materials, ACS helps people learn about the health hazards of smoking and become successful ex-smokers.

(3) American Heart Association, 7320 Greenville Avenue, Dallas, Texas 75231, (214) 750-5300. The American Heart Association (AHA) is a voluntary organization with 130,000 members (physicians, scientists, and laypersons) in 55 states and regional groups. AHA produces a variety of publications and audiovisual materials about the effects of smoking on the heart. AHA also has



developed a guidebook for incorporating a weight-control component into smoking cessation programs.

(4) American Lung Association, 1740 Broadway, New York, New York 10019, (212) 245-8000. A voluntary organization of 7,500 members (physicians, nurses, and laypersons), the American Lung Association (ALA) conducts numerous public information programs about the health effect of smoking. ALA has 59 state and 85 local units. The organization actively supports legislation and information campaigns for nonsmokers' rights and provides help for smokers who want to quit, for example, through "Freedom From Smoking," a self-help smoking cessation program.

(5) Office on Smoking and Health, United States Department of Health and Human Services, 5600 Fishers Lane, Park Building, Room 110, Rockville, Maryland 20857. The Office on Smoking and Health (OSH) is the Department of Health and Human Services' lead agency in smoking control. OSH has sponsored distribution of publications on smoking-related topics, such as free flyers on relapse after initial quitting, helping a friend or family member quit smoking, the health hazards of smoking, and the effects of parental smoking on teenagers.

\*In Hawaii, on Oahu call 524-1234 (call collect from neighboring islands), Spanish-speaking staff members are available during daytime hours to callers from the following areas: California, Florida, Georgia, Illinois, New Jersey (area code 210), New York, and Texas. Consult your local telephone directory for listings of local chapters.

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

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-005 SCOPE AND APPLICATION. (1) This chapter shall apply to vessels for hire that carry seven or more passengers when the vessels are operated in inland waters within the jurisdiction of the state of Washington. These rules shall not apply to vessels in the navigable waters of the United States subject to the jurisdiction of the United States Coast Guard.

(2) Pursuant to chapter 88.04 RCW, the director of the department of labor and industries shall administer this chapter. The director is authorized to use the services of the marine dock section to administer this chapter.

(3) All rules adopted by the United States Coast Guard pertaining to inland water passenger vessel service and navigation on inland waters shall be directly applicable and administered as a part of this chapter unless they conflict with specific provisions of this chapter or chapter 88.04 RCW.

(4) Special consideration. In applying the provisions of this section, the director may allow departures from the specific requirements when special circumstances or arrangements warrant such departures. (46 CFR 175.25-1)

(5) The provisions of this chapter shall not apply to:

(a) A vessel that is a charter boat but is being used by the documented or registered owner of the charter boat exclusively for the owner's own noncommercial or personal pleasure purposes;

(b) A vessel owned by a person or corporate entity which is donated and used by a person or nonprofit organization to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(c) A vessel that is rented, leased, or hired by an operator to transport passengers for noncommercial or personal pleasure purposes; or

(d) A vessel used exclusively for, or incidental to, an educational purpose.

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

##### WAC 296-115-010 APPEAL OF DECISIONS.

(1) Any person aggrieved by a decision of the marine dock section may appeal the decision to the director within ~~((twenty))~~ fifteen working days after receipt of the decision.

(2) The director shall give the chief of the marine and dock section notice of the appeal ~~((an))~~ and shall give the chief ten working days to comment in writing. At the discretion of the director, an informal conference may be held with all affected parties invited to participate.

(3) The director shall issue a determining order within twenty working days of the receipt of the appeal or within ten working days following conclusion of an informal conference.

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

##### WAC 296-115-015 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" - approved by the director; however, if a provision of this chapter states that approval by an agency or organization other than the department such as ~~((Underwriters'))~~ nationally recognized testing laboratories or the United States Coast Guard is required, then approval by the specified authority shall be accepted.

(2) "Authorized person" - a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(3) "Bare boat" charter - the unconditional lease, rental, or charter of a vessel by the owner or his/her agent, to a person or persons who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, provisioning, as well as providing liability insurance for the vessel during the term of the agreement, or contract.

Note: "Bare boat" charters are exempt from the provisions of chapter 296-115 WAC unless: They are carrying cargo; they are carrying more than six passengers for a fee or other consideration, or they are engaged in any other commercial venture.



(4) "Carrying passengers or cargo" means the transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(5) "Commercial" – any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

(6) "Competent person" – one who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

((4)) (7) "Confined or enclosed space" – any space having a limited means of egress that is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, tunnels, pipelines and open top spaces more than four feet in depth, such as pits, tubs, vaults, and vessels.

((5)) (8) "Defect" – any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

((6)) (9) "Department" – the department of labor and industries.

((7)) (10) "Director" – the director of the department of labor and industries, or his designated representative.

((8)) (11) "Employer" – any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons, the essence of which is the personal labor of such persons. Any person, partnership, or business entity that has no employees, and is covered by the Industrial Insurance Act shall be considered both an employer and an employee.

((9)) (12) "Equipment" (~~– all machinery, devices, tools, facilities, safeguards, and protective construction used with construction operations~~) means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

((10)) (13) "Hazard" – a condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

((11)) (14) "Hazardous substance" – a substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

((12)) (15) "Inspection" – the examination of vessels by the director or an authorized representative of the director.

((13)) (16) "Marine dock section" – the chief and staff of the marine dock section, department of labor and industries.

((14)) (17) "Passenger vessel" (~~– a watercraft capable of carrying seven or more passengers for hire and licensed for such service~~) means a vessel or barge operating on inland navigable waters of the state of Washington which is not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

((15) "Passenger for hire" – a person (other than master, crew or persons employed) who is carried aboard a vessel for valuable consideration whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the vessel.

((16)) (18) "Passenger" – any person or persons, carried on board a vessel in consideration of the payment of a fee or other consideration.

(19) "Port" – left hand side of a vessel as one faces the bow.

((17)) (20) "Starboard" – right hand side of a vessel as one faces the bow.

((18) "Steam vessel" – any vessel propelled by machinery.

((19)) (21) "Power driven vessel" – any vessel propelled by machinery.

(22) "Qualified" – one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve problems relating to the subject matter, the work, or the project.

((20)) (23) "Safety factor" – the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

((21)) (24) "Safety and health standard" – a standard that requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

((22)) (25) "Shall" – the provision of the standard is mandatory.

((23)) (26) "Should" – recommended.

((24)) (27) "Substantial" – constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock, and usage.

((25)) (28) "Standard safeguard" – a device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached.

Standard safeguards shall be constructed of either metal, wood, other suitable material, or a combination of these. The final determination of the sufficiency of any safeguard rests with the director.

((26)) (29) "Suitable" – that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

((27)) (30) "Under way" – a vessel is not at anchor, or made fast to the shore, or aground.

~~((28)) "United States Coast Guard rules of navigation" – rules for inland waters, CG 323 and 169 as now adopted or hereafter legally amended by the United States Coast Guard. (46 CFR)~~

~~(29))~~ (31) "United States Coast Guard Navigation" – rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.

(32) "Working day" – a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended. The time within which an act is to be done under the provisions of this chapter shall be computed by excluding the first working day and including the last working day.

~~((30))~~ (33) "Workman," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context indicates otherwise – an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

~~((31))~~ (34) Abbreviations used in this chapter:

- (a) "CFR" – Code of Federal Regulations.
- (b) "USCG" – United States Coast Guard.

**AMENDATORY SECTION** (Amending Order 80-20, filed 11/13/80)

WAC 296-115-025 VESSEL INSPECTION AND LICENSING. (1) The department shall inspect all vessels to ensure they are safe and seaworthy at least once each year. The department may also inspect a vessel if requested to do so by the owner, operator, or master of the vessel, and after an explosion, fire, or any other accident involving the vessel.

(2) The department may inspect a vessel upon receipt of a complaint from any person or, in the discretion of the department, at any other time.

(3) The department shall charge the owner of a vessel a fee for each certification or recertification inspection. This fee shall be determined by the director. (See WAC 296-115-120 for fee schedule.)

(4) After the department has inspected a vessel and it is satisfied the vessel is safe and seaworthy, the department shall issue a certificate of inspection for that vessel. The certificate shall be valid for one year after the date of inspection.

(5) The certificate shall set forth the date of the inspection, the names of the vessel and the owner, the number of lifeboats and life preservers required, the number of passengers allowed, and any other information the department may by rule require.

(6)(a) If at any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of this chapter, the department may refuse to issue a certificate of inspection until the deficiencies have been corrected and may cancel any certificate of inspection currently issued.

(b) The department shall give the owner of the vessel a written statement of the reasons the vessel was found to be unsafe, unseaworthy, or not in compliance with the

provisions of this chapter, including a specific reference to the statute or rule with which the vessel did not comply.

(7) An inspector of the department may, upon the presentation of his or her credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection. The inspector shall inform the owner, master, operator, or agent in charge that his or her intent is to inspect the vessel.

(8) During the inspection, the inspector shall have access to all areas of the vessel. The inspector may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member of or passenger on the vessel.

(9) If any person refuses to allow an inspector to board a vessel for an inspection, or refuses to allow access to any areas of the vessel, the department may request a warrant from the superior court for the county in which the vessel is located. The court shall grant the warrant:

(a) If there is evidence that the vessel has sustained a fire ~~((or an))~~, explosion, unintentional grounding, or has been involved in ~~((an))~~ any other accident;

(b) If there is evidence that the vessel is not safe or seaworthy; or

(c) Upon a showing that the inspection furthers a general administrative plan for enforcing the safety requirements of the act.

(10) The owner or master of a vessel shall post the certificate of inspection behind glass in a conspicuous area of the vessel.

(11) No person shall operate a passenger vessel if the vessel does not have a valid certificate of inspection.

**AMENDATORY SECTION** (Amending Order 80-20, filed 11/13/30)

WAC 296-115-035 SPECIFIC INSPECTION REQUIREMENTS. (1) Drydocking or hauling out.

Each vessel subject to the provisions in this section shall be drydocked or hauled out at intervals not to exceed ~~((sixty))~~ twenty-four months and the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers shall be examined to determine that these items are in satisfactory condition. Refer to 46 CFR 176.15.

(2) At the annual inspection the marine dock inspector shall view the vessel afloat and conduct the following tests and inspections of the hull:

(a) Hull exterior and interior, bulkheads, and weather deck.

(b) Examine and test by operation all watertight closures in the hull, decks, and bulkheads.

(c) Inspect all railings and bulwarks and their attachment to the hull.

(d) Inspect weathertight closures above the weather deck and drainage or water from exposed decks and superstructure. Refer to 46 CFR 176.25-5.

(3) At the annual inspection the marine dock inspector shall examine and test the following items:

(a) Main propulsion machinery.

(b) Engine starting system.

- (c) Engine control mechanisms.
- (d) Auxiliary machinery.
- (e) Fuel systems.
- (f) Sea valves and bulkhead closure valves.
- (g) Bilge and drainage systems.
- (h) Electrical system, including circuit protection. Refer to 46 CFR 176.25-10 and 176.25-15.
- (4) Lifesaving and fire extinguishing equipment. At each annual inspection the marine dock inspector shall inspect the life saving and fire extinguishing equipment for serviceability. Refer to 46 CFR 176.25-20 and 176.25-25.
- (5) Miscellaneous systems and equipment. At each annual inspection the marine dock inspector shall inspect and test the vessel's steering apparatus, ground tackle, navigation lights, sanitary facilities, pressure vessels, and any other equipment aboard the vessel for serviceability and safety. Refer to 46 CFR 176.25-35, 176.25-40, and 176.25-45.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-060 OPERATIONS. (1) This section shall apply to all passenger vessel operations within the scope of this chapter.

(2) No person shall rent, lease, or hire out a charter boat, nor carry, advertise for the carrying of, nor arrange for the carrying of, more than six passengers on a vessel for a fee or other consideration on the inland navigable waters of the state unless: The vessel is in compliance with the provisions of this chapter.

(3) Notice of casualty. (Refer to 46 CFR 185.15.)

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following shall report the incident immediately to the department.

(i) Damage to property in excess of one thousand five hundred dollars.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that incapacitates the person for more than seventy-two hours.

(b) The report shall be in writing to the director and upon receipt of the report the director may request an investigation by a marine dock inspector.

~~((3))~~ (4) Miscellaneous operating requirements. (Refer to 46 CFR 185.20.)

(a) In the case of collision, accident, or other casualty involving a vessel the operator, shall, so far as he can do so without serious danger to his own vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger. He shall also give his name and address and the name of his vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel shall see that the provisions of the certificate of inspection are strictly adhered to. This shall not be construed as limiting the person in charge from taking any action in an emergency that he deems necessary to help vessels in distress or to prevent loss of life.

(c) Persons operating vessels shall comply with the provisions of the USCG rules of the road for inland waters. (Refer to USCG publication 169.)

(d) The operator of a vessel shall test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel having a flashpoint of 110°F or lower shall not take on fuel when passengers are on board.

(f) All vessels shall enforce "no smoking" provisions when fueling. Locations on the vessel where flammable or combustible liquids are stored shall be posted "no smoking."

(g) All vessels shall prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(h) The persons in charge shall conduct emergency drills to ensure that the crew is familiar with their duties in an emergency.

(i) The carriage of hazardous substances is prohibited on vessels. However, the director may authorize a vessel to carry specific types and quantities of hazardous substances if he deems it necessary.

(j) All areas accessible to passengers or crew shall be kept in a clean and sanitary condition. All walking surfaces shall be free of slipping or tripping hazards and in good repair.

~~((4))~~ (5) First-aid training. There shall be present or available on all passenger vessels(;) at all times, a person holding a valid certificate of first-aid training ~~((from the department of labor and industries, United States Bureau of Mines, or the American Red Cross, or equivalent training that can be verified by documentary evidence. A valid first-aid certificate is one that is less than three years old)).~~

~~((5))~~ (6) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.

Bleeding control and bandaging.

Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(7) First-aid equipment. A first-aid kit or first-aid room shall be provided on all passenger vessels. The size and quantity of first-aid supplies or equipment required shall be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit

or supplies shall be in a weatherproof container with individually sealed packages for each type of item. The first-aid station or kit location shall be posted on the container.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-070 RULES OF NAVIGATION.  
~~((1) Application. The following rules shall be observed in navigating all steam vessels on the waters within the jurisdiction of the state, excepting the waters which are under the jurisdiction of the United States.~~

~~(2) When two steam vessels are meeting, end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.~~

~~(3) When two steam vessels are crossing so as to involve risk of collision, the vessel that has the other on her own starboard side shall keep out of the way of the other.~~

~~(4) When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.~~

~~(5) When, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.~~

~~(6) Every steam vessel, when approaching another steamboat or small boat or vessel of any kind, so as to involve the risk of collision, shall slacken her speed, or if necessary, shall stop and reverse her engine, and every steam vessel shall, when in a fog, go at a moderate speed.~~

~~(7) Any steam vessel overtaking another steam vessel shall keep out of the way of the overtaken steam vessel.~~

~~(8)(a) When steam vessels are running in the same direction, and the vessel that is astern desires to pass on the starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of the desire, and if the vessel ahead answers with one blast, she shall direct her course to starboard, or if she desires to pass on the port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of the desire, and if the vessel ahead answers with two blasts, shall direct her course to port. If the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify it by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until they have reached a point where it can be safely done, when the vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.~~

~~(b) Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the overtaken vessel that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking~~

~~vessel a crossing vessel within the meaning of the rules in this part, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.~~

~~(c) As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.~~

~~(9)(a) When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel that has the other on her own port side shall hold her course and speed; and the steam vessel that has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel or, if necessary to do so, slacken her speed, stop, or reverse.~~

~~(b) If from any cause the conditions covered by this situation prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steam vessels shall be stopped and backed if necessary, until signals for passing with safety are made and understood.~~

~~(10) When two steam vessels are approaching each other, and if the courses of the steam vessels are so far on the starboard side of each as not to be considered by the operators as meeting end on, or nearly so, or if the steam vessels are approaching each other, in such manner that passing to the right as in subsection (2) of this section is deemed unsafe by the operator of either steam vessel, the operator first deciding shall give two short and distinct blasts on his steam whistle, which the operator of the other steam vessel shall answer promptly by two blasts of his steam whistle, and they shall pass on the starboard side of each other.~~

~~(11) When two steam vessels are approaching each other and the operator of either steam vessel fails to understand the course or intention of the other, whether from the signals being given, answered erroneously, or from other cause, the operator in doubt shall immediately signify it by giving several short and rapid blasts of the whistle, not less than four, and if the vessels have approached within five hundred yards of each other, both shall be immediately slowed to a speed barely sufficient for steerageway until the proper signals are given, answered and understood, or until the boats have passed each other.~~

~~(12) When a steam vessel is running in a fog or thick weather the operator shall give a long blast of the whistle at intervals not exceeding one minute.~~

~~(13) Distress signals. When a vessel is in distress and requires assistance from other vessels or from the shore the following signal shall be used or displayed by her, either together or separately:~~

~~(a) In the daytime = a continuous sounding with any fog-signal apparatus, or firing a gun.~~

~~(b) At night = flames on the vessel as from a burning tar barrel or oil barrel, a continuous sounding with any fog-signal apparatus, or firing a gun.~~

~~(14) In construing these provisions, due regard must be had to all the dangers of navigation, and to any special circumstances that may exist, rendering a departure from these provisions necessary to avoid immediate danger.~~

~~(15) Every steam vessel that is under sail and not under steam is to be considered a sailing vessel, and every vessel propelled by machinery, whether under sail or not, is to be considered a steam vessel.~~

~~(16) All steam vessels shall conform to and obey other rules and regulations prescribed by the United States Coast Guard that are not inconsistent with these rules.~~

~~(17) Lights. Every steam vessel, when navigating between sunset and sunrise, shall carry the following lights:~~

~~(a) At the foremast head, a bright white light that is visible, on a dark night with a clear atmosphere, for at least two miles, that shows a uniform and unbroken light over an arc of the horizon of twenty points of the compass; and that throws the light ten points on each side of the vessel from right ahead to two points abaft the beam on either side.~~

~~(b) On the starboard side a green light that is visible, on a dark night with a clear atmosphere, for at least two miles, that shows a uniform and unbroken light over an arc of the horizon of ten points of the compass; and that throws the light from right ahead to two points abaft the beam on the starboard side.~~

~~(c) On the port side a red light that is visible, on a dark night with a clear atmosphere, for at least two miles, that shows a uniform and unbroken light over an arc of the horizon of ten points of the compass; and that throws the light from right ahead to two points abaft the beam on the port side. The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, to prevent them from being seen across the bow.~~

~~(d) A vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light that shows an unbroken light over an arc of the horizon of twelve points of the compass; that shows the light six points from right aft on each side of the vessel; and that is visible for at least two miles. The light shall be carried as nearly as practicable on the same level as the side lights.)) The operation and navigation of all vessels subject to this chapter shall be in strict accordance with the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.~~

(1) A copy of the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29, shall be on board all vessels subject to this chapter at all times when the vessel is under way.

(2) At least annually, where applicable, the operator of each vessel shall "swing the vessel" to determine the actual compass readings in relation to true compass headings, and shall maintain a record on board the vessel.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-100 VIOLATIONS AND SETTING OF PENALTIES. (1) Violations of the mandatory provisions of this chapter shall be subject to penalty. The amount of the penalty will be assessed in accordance with the guidelines and fixed schedules contained herein.

(2) Fixed schedule penalties.

(a) Failure to display certificate of inspection as required: Fifty dollars to owner of the vessel.

(b) Operation of vessel in passenger service without a valid certificate of inspection: To owner of vessel, two hundred dollars per violation; to person who operates vessel, one hundred dollars per violation.

(c) Operation of vessel in passenger service while not in possession of valid USCG/state of Washington operator's license: One hundred dollars per violation to owner of vessel.

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-155-480 LADDERS. (1) General requirements.

All rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the general safety and health standards shall be complied with.

(a) Only Type I stepladders shall be used on construction worksites, except that painters may use Type II stepladders.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) Ladders shall be maintained in good condition at all times.

(i) The joint between the steps and side rails shall be tight.

(ii) All hardware and fittings securely attached.

(iii) And the moveable parts shall operate freely without binding or undue play.

(iv) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited.

(v) When ladders with such defects are discovered, they shall be immediately withdrawn from service.

(vi) Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1-1982, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2-1982, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1984, Safety Code for Fixed Ladders.

(g) The feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear. Safety feet shall be maintained to ensure proper working condition.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder, the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over ~~((25))~~ 10 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Any work that requires wearing eye protection, respirators, or handling of pressure equipment, shall not be performed from a ladder more than ~~((twenty-five))~~ ten feet above the surrounding surface.

(q) Stepladders shall not be used as single ladders.

(r) Tops of ordinary types of stepladders shall not be used as steps.

(s) When working from a stepladder over five feet high a ~~((workman))~~ worker shall not stand on a step higher than the third step from the top of the stepladder.

(t) On two-section extension ladders the minimum overlap for the two sections shall be as follows:

Size of ladder expanded length (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(u) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(v) When ascending or descending, the user shall face the ladder.

(w) ~~((Workmen))~~ Workers shall not ascend or descend ladders while carrying tools or materials which might interfere with the free use of both hands.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 2-inch by 6-inch lumber, or equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders, when made of Group 1 woods (see Table J-18).

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (see Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-48529 BOOM SUPPORTED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

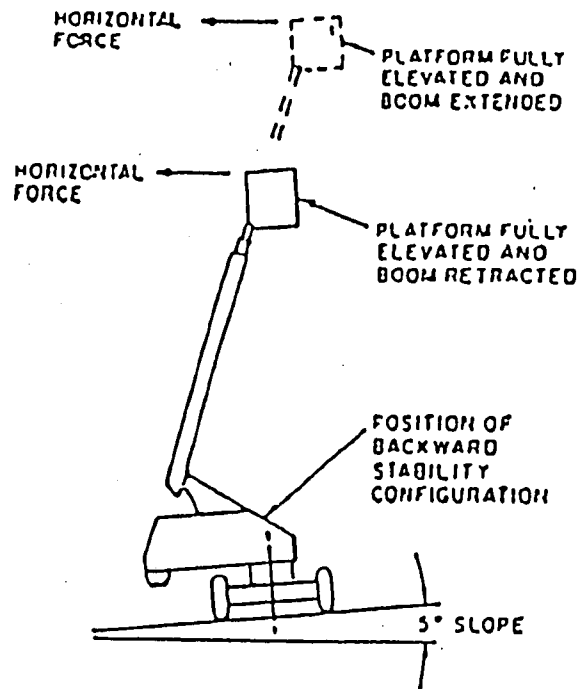


Fig. 1  
Backward Stability - Typical Test Condition

(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.



(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.



(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1979 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' (~~safety belts~~) full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform, except as provided in subsection (24) of this section, shall be prohibited.

(g) The operators shall immediately report to ~~(his)~~ their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard.

#### AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-155-48533 CRANE OR DERRICK SUSPENDED PERSONNEL PLATFORMS. (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the fifty percent derating of the crane capacity which is required by (f) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to

the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body ((~~belt/~~))harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body ((~~belt/~~))harness anchorages are contained in WAC ((~~296-155-225(4) and~~)) 296-155-505(6) and 296-155-24510 (3)(a)(i) respectively.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-155-505(6) and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of WAC 296-155-225 (3) through (8).

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

- (i) Hoist ropes shall be free of kinks;
- (ii) Multiple part lines shall not be twisted around each other;
- (iii) The primary attachment shall be centered over the platform; and
- (iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.
- (d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.
- (e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.
- (f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After proof testing, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.
- (10) Work practices.
  - (a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.
  - (b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.
  - (c) Tag lines shall be used unless their use creates an unsafe condition.
  - (d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.
  - (e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.
  - (f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.
  - (g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).
  - (h) Except over water, employees occupying the personnel platform shall use a full body ((~~belt~~))harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a

fall impact for employees using the anchorage as specified in WAC 296-155-24510 (3)(a)(i). When working over water, the requirements of WAC 296-155-235 shall apply.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(e) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

#### AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-500 DEFINITIONS APPLICABLE TO THIS PART. (1) "Built-up-roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid-applied system, a single-ply system, or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built-up-roofing work" means the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet

metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

(4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.

(5) "Handrail" means a single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(6) "Low-pitched roof" means a roof having a slope less than or equal to four in twelve.

(7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and mopcars.

(8) ~~((("MSS systems" (motion-stopping-safety systems) means fall protection using the following equipment singly or in combination: Standard railings (guardrails) as described in WAC 296-155-505(6); scaffolds or platforms with guardrails as described in WAC 296-155-485; safety nets as described in WAC 296-155-230; and safety belt systems as described in WAC 296-155-225.~~

((9)) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.

((10)) (9) "Platform" means a working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

((11)) (10) "Rise" means the vertical distance from the top of a tread to the top of the next higher tread.

((12)) (11) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

((13)) (12) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

((14)) (13) "Safety-monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof and within visual distance of the employees, and must be close enough to verbally communicate with the employees.

((15)) (14) "Stair platform" means an extended step or landing breaking a continuous run of stairs.

((16)) (15) "Stair railing" means a vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

((17)) (16) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used

more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps and landings having three or more rises constitutes stairs or stairway.

((18)) (17) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

((19)) (18) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.

((20)) (19) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

((21)) (20) "Tread width" means the horizontal distance from front to back of tread, including nosing, when used.

((22)) (21) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

((23)) (22) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard-arm doorway or chute opening.

((24)) (23) "Work area" means that portion of a roof where built-up roofing work is being performed.

#### AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-155-505 GUARDRAILS, HANDRAILS, AND COVERS. (1) General provisions. This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (6) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service man is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with

the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(ii) The cover shall be secured by fastening devices to prevent unintentional removal.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(i) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

### (3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a

standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (6)(g)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have standard guardrails on all exposed sides or equivalent. One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.

### (4) Guarding of open-sided surfaces.

(a) Every open-sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (6)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (6) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

### (5) Stairway railings and guards.

(a) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(6) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent to meet strength factor and deflection of subsection (6)(a)(v). Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface to top rail to surface of tread in line with face of riser at forward edge of tread.

(c)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(d)(i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(e) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(B) The cover shall be secured by fastening devices to prevent unintentional removal.

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.



(f) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (e)(ii) of this subsection.

(g) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

~~((7) Guarding of low-pitched roof perimeters during the performance of built-up roofing work.~~

~~(a) General provisions. During the performance of built-up roofing work on low-pitched roofs with a ground-to-cave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:~~

~~(i) By the use of a motion-stopping-safety system (MSS system); or~~

~~(ii) By the use of a warning line system erected and maintained as provided in subdivision (7)(c) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or~~

~~(iii) By the use of a safety monitoring system on roofs 50 feet (15.25 meters) or less in width (see WAC 296-155-50501 Appendix—Roofs), where mechanical equipment is not being used or stored.~~

~~(b) Exception. The provisions of (7)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof-level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subdivision (7)(c) of this section.~~

~~(c) Warning lines.~~

~~(i) Warning lines shall be erected around all sides of the work area.~~

~~(A) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge;~~

~~(B) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.~~

~~(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:~~

~~(A) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;~~

~~(B) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;~~

~~(C) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;~~

~~(D) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in subitem (7)(c)(ii)(C) of this section; and~~

~~(E) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.~~

~~(iii) Access paths shall be erected as follows:~~

~~(A) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.~~

~~(B) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.~~

~~(d) Mechanical equipment. Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.~~

~~(e) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground-to-cave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.~~

~~(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.~~

~~(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.~~

~~(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.~~

~~(iv) When safety belt systems are used, they shall not be attached to the hoist.~~



~~(v) When safety belt systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.~~

~~(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.~~

~~(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.~~

~~(f) Training:~~

~~(i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.~~

~~(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:~~

~~(A) The nature of fall hazards in the work area near a roof edge;~~

~~(B) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;~~

~~(C) The correct procedures for erecting, maintaining, and disassembling the systems to be used;~~

~~(D) The role of each employee in the safety monitoring system when this system is used;~~

~~(E) The limitations on the use of mechanical equipment; and~~

~~(F) The correct procedures for the handling and storage of equipment and materials.~~

~~(iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in item (7)(f)(ii) of this section:)~~

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-620 PILE DRIVING EQUIPMENT. (1) General requirements.

(a) Boilers and piping systems which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Powers Boilers (section I).

(b) All pressure vessels which are a part of or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Pressure Vessels (section VIII).

(c) Overhead protection, which will not obscure the vision of the operator, and which meets the requirements of Part L of this chapter, shall be provided. Protection shall be of 2-inch planking or other solid material of equivalent strength.

(d) Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

(e) A blocking device, capable of safely supporting the weight of the hammer shall be provided for placement in the leads under the hammer at all times while employees are working under the hammer.

(f) Guards shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves.

(g) When the leads must be inclined in the driving of batter piles, provisions shall be made to stabilize the leads.

(h) All working equipment shall be visually inspected at the beginning of each shift.

(i) Fixed leads shall be provided with ladder, and adequate rings, or similar attachment points, so that the loft workers may engage ~~((his safety belt))~~ their full body harness lanyard to the leads. If the leads are provided with loft platform(s) such platform(s) shall be protected by standard guardrails.

(j) Pile drivers with swinging leads shall have a wire rope safety strap on top end.

(k) Spud bars shall be of hard wood with smooth round handle end for safe handling. Iron shod spud bars are prohibited.

(l) A follower block or driving cap shall be used with a drop hammer on all piling except sheet piling.

(m) Steam hose leading to a steam hammer or jet pipe shall be securely attached to the hammer with an adequate length of at least 1/4-inch diameter chain or cable to prevent whipping in the event the joint at the hammer is broken. Air hammer hoses shall be provided with the same protection as required for steam lines.

(n) Safety chains, or equivalent means, shall be provided for each hose connection to prevent the line from thrashing around in case the coupling becomes disconnected.

(o) Steam line controls shall consist of two shutoff valves, one of which shall be a quick-acting lever type within easy reach of the hammer operator.

(p) Guys, outriggers, thrustouts, or counterbalances shall be provided as necessary to maintain stability of pile driver rigs.

(q) Ladders constructed in compliance with this chapter shall be installed on all pile drivers from the hoist platform to the head block, and in such position that workers using ladders will not come in contact with lines, sheaves, etc.

(r) Drop hammers which have been chipped on the face shall not be used for pile driving.

(s) Groove worn drums or spools shall be replaced or properly repaired to present a smooth working surface.

(t) At least two full wraps of cable shall be maintained on hoisting drums.

(u) Proper racks shall be provided for storage of cross-cut saws.

(v) Every hoisting drum used as a pile driver shall be equipped with manually operated dogs or pawls to hold suspended loads. Foot brakes shall only be used to hold suspended loads until drum dogs are engaged. The dogs shall be visible from the operator's station or be equipped with a positive direct connected telltale which shall be visible to the operator.

(w) No counterweight or spring arrangement on dogs shall be permitted which would allow dog to be automatically disengaged either by relieving the load or rolling the drum.

(x) In every crew there shall be designated signalmen. The driver operator or drum person shall receive signals from no others, except when loftman is above. The

hammer shall not be lowered except on the loftsman's signal.

(y) Spliced hammer lines shall not be used.

(2) Pile driving from barges and floats. Barges or floats supporting pile driving operations shall meet the applicable requirements of WAC 296-155-630.

(3) Pile driving equipment.

(a) Engineers and winchmen shall accept signals only from the designated signalmen.

(b) All employees shall be kept clear when piling is being hoisted into the leads.

(c) When piles are being driven in an excavated pit, the walls of the pit shall be sloped to the angle of repose or sheet-piled and braced.

(d) When steel tube piles are being "blown out," employees shall be kept well beyond the range of falling materials.

(e) When it is necessary to cut off the tops of driven piles, pile driving operations shall be suspended except where the cutting operations are located at least twice the length of the longest pile from the driver.

(f) When driving jacked piles, all access pits shall be provided with ladders and bulkheaded curbs to prevent material from falling into the pit.

(g) Floating equipment such as dredges and pile drivers shall maintain a signal system to shore in the event of an emergency.

(h) The distribution of machinery on floating equipment shall be such that the completed unit floats on an even keel.

(i) Fuel tanks below decks shall be vented to outside of hull and vents shall be equipped with flame arrestors.

(j) All hull compartments shall be ventilated. No person shall work in hull compartments until it is shown the compartments contain no flammable or toxic concentrations.

(k) Light fixtures installed or used within the hull shall be explosion proof.

(l) All floating rigs shall be equipped with ladderways extending from the deck to the waterline where the deck is more than 36 inches above the water. A wire rope shall be hung along both sides of the hull or float and so hung that it shall be at all times near or at the waterline.

(m) Doors of deck houses where deck house sets within 36" of edge of deck and doorways in hull shall be equipped with guard rails or cross chains.

(n) Deck houses shall have a substantial grab rail installed on all sides where such installation will not interfere with operations.

(o) Pile driver and dredge fairlead sheaves, and spudline sheaves shall be guarded to prevent workers or tools being drawn into them.

(p) All work deck shall be kept clear of debris, unnecessary tools and equipment in order to minimize the stumbling hazard. Lines shall be coiled, tools stored and material stacked clear of working spaces.

(q) Night operations shall be adequately lighted for all activity while work is in progress and shall be maintained until workers leave the work area.

(r) Electrical installation and equipment shall be installed and maintained in compliance with the National Electric Code.

(s) All walkways over water and on dredge pontoon discharge pipe lines shall be a minimum of 20" in width with standard handrail along one side on structures and gang planks. Walkways on pontoon lines may be equipped with hand lines in lieu of standard handrail.

(t) Adequate fire extinguishing equipment shall be provided and maintained in a serviceable condition.

(u) Protective equipment shall be used when working with creosote timbers. Protective creams shall be used on exposed skin surfaces and gloves and eye protection worn especially when driving piles.

(v) Pulling piles with hammer or pile line rigged through the head block is prohibited unless driver and rigging are designed to safely withstand the imposed strain.

(w) Truck runways and platforms shall be equipped with a wheel guard on all outside edges. Top of wheel guards shall be a minimum of 10 inches above deck.

(x) Use of foot blocks at base of leads for hammer line or pile line is prohibited.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-155-688 VERTICAL SLIP FORMS.**

(1) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(2) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for this purpose. Such rods must be adequately braced where not encased in concrete.

(3) Forms shall be designed to prevent excessive distortion of the structure during the jacking operation.

(4) All vertical slip forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(5) Jacks and vertical supports shall be positioned in such a manner that the loads do not exceed the rated capacity of the jacks.

(6) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to support the slip forms whenever failure of the power supply or lifting mechanism occurs.

(7) The form structure shall be maintained within all design tolerances specified for plumbness during the jacking operation.

(8) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(9) (~~Workmen~~) **Workers** placing reinforcing steel shall wear (~~safety belts~~) **a full body harness** tied off by lanyards or otherwise securely fastened when working above the scaffold level.

(10) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

(11) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(12) While the slide is in operation, the form structure shall be maintained in line and plumb.

(13) A field supervisor experienced in slip form construction shall be present on the deck at all times.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-155-689 PLACING AND REMOVAL OF FORMS.** (1) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(2) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(3) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(4) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be required to wear ~~((safety belts))~~ a full body harness during forming and stripping operations.

(5) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(6) ~~((Workmen))~~ Workers or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(7) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-700 GENERAL REQUIREMENTS.** (1) Erection gangs on structural steel erection shall work under the direction of experienced foreman.

(2) Workers shall not ride on steel being hoisted, nor slide down ropes, columns or ladders.

(3) Wire rope slings shall be used when lifting loads. Care shall be taken to avoid sharp bends by using wood

or similar type padding between wire rope and load. Reinforcing steel shall not be lifted by bundling ties.

(4) If float scaffolds are used during steel erection, they shall be used in accordance with WAC 296-155-485(24).

~~((5) Employees shall be provided with safety belts in accordance with WAC 296-155-225 when they are working on float scaffolds.~~

~~(6) On jobs where ordinary precautions would prove impractical, nets shall be provided. Contracting authorities shall specify in contract when it has been determined that nets are required.~~

~~(7) The use of safety belts, lanyards and lifelines in steel erection shall be in accordance with WAC 296-155-225.~~

~~(a) When connecting beams at the periphery of a building or structure where the fall distance is greater than twenty-five feet, employees shall be tied off by approved safety belts and lifelines:~~

~~(i) To either peripheral columns;~~

~~(ii) Pendant lines secured at the tops of peripheral columns;~~

~~(iii) Catenary lines;~~

~~(iv) Other secure anchorage points.~~

~~(b) When practical, employees shall crouch or walk the bottom inside flange of peripheral beams when it is necessary to release chokers, land intermediate members, or perform other work on the peripheral beams:~~

~~(c) Pendant lines, catenary lines and other lines used to secure workers shall be capable of supporting a minimum dead weight of five thousand four hundred pounds.~~

~~(d) If the procedure specified in (a) of this subsection is impractical, perimeter safety nets shall be installed at a distance of no more than twenty-five feet below the work surface and extend at least eight feet beyond the perimeter of the building or structure. Nets shall meet the requirements set forth in the applicable portions of WAC 296-155-230.)~~

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-705 FLOORING REQUIREMENTS.** (1) Permanent flooring—Skeleton steel construction in tiered buildings.

(a) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(b) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(2) Temporary flooring—Skeleton steel construction in tiered buildings.

(a)(i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds ~~((two stories or 25))~~ 10 feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.

(iii) Floor periphery - safety railing. A standard railing including midrail of 1/2-inch wire rope or equivalent shall be installed at the periphery (including all floor openings) of all temporary-planked or temporary metal-decked floors of tier buildings and other multi-floored structures during structural steel assembly.

(b)(i) Where skeleton steel erection is being done, a tightly planked and substantial floor shall be maintained within two stories or twenty-five feet, whichever is less, below and directly under that portion of each tier of beams on which any work is being performed, except when gathering and stacking temporary floor planks on a lower floor, in preparation for transferring such planks for use on an upper floor. Where such a floor is not practicable, subsection (2)(a)(ii) of this section applies.

(ii) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.

~~((iii) When gathering and stacking temporary floor planks, from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to a catenary line or other substantial anchorage.))~~

(3) Flooring - other construction.

(a) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(b) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

#### AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-720 SAFE WALKING SURFACES ON STRUCTURAL MEMBERS. ~~((+))~~ Structural members with studs, dowels or shear connectors installed on the top side shall not be used as a walkway and/or means of access unless such studs, dowels or shear connectors are covered with suitable material and in such a manner as to provide a walking surface at least as stable and free of hazards as the top surface of the member would provide without attachments installed. For the purpose of this section, "stud," shall mean all protruding metal attachments to structural members.

~~((2) If such structural member is ten feet or more above ground or floor level, employees walking or working on such member shall be protected by a safety belt in accordance with WAC 296-155-225.))~~

#### AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-155-485 SCAFFOLDING. (1) General requirements. Scaffolds shall be furnished and erected in

accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-155-480 through 296-155-48090.

(a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in WAC 296-24-825 through 296-24-84013 apply within the construction industry.

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) ~~((No))~~ Welding, burning, riveting, or open flame work shall not be performed on any staging suspended by means of fiber or synthetic rope unless suspended components are well insulated to protect against damaging contacts. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and ~~((23))~~ (21) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(v) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D.

steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.

(i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Fabricated tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders,

etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturers letter of approval shall be available at the jobsite.

(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.

(5) Outrigger scaffolds, general.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(6) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two-point suspension scaffolds.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three



persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved (~~(safety life belt)~~) full body harness attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break. The lanyard of the (~~(safety belt)~~) full body harness shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set

into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

(l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed



professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.

(g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a ((~~safety belt~~) full body harness and lifeline in accordance with WAC ((~~296-155-225~~) 296-155-24510 (3)(a)(i)). The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

(12) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(13) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(14) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a ~~((safety belt))~~ full body harness and lifeline in accordance with WAC ~~((296-155-225))~~ 296-155-24510 (3)(a)(i).

(15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall be within any 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, ~~((safety belts))~~ full body harnesses and lifelines shall be used in accordance with WAC ~~((296-155-225))~~ 296-155-24510 (3)(a)(i).

(18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless ~~((safety belts))~~ full body harnesses with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

All roofing brackets must be installed and used in accordance with the requirements of WAC 296-155-50503(1).

(20) Crawling boards or chicken ladders.

All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(2).

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections and shall be well insulated to protect against damaging contacts of arcs, flames, or other mechanical objects. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifeline and lifeline, in accordance with WAC ((296-155-225)) 296-155-245.

(22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall

not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(23) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds;

(ii) Be capable of supporting without failure at least four times the maximum intended load; and

(iii) Shall not have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless ((safety belts)) full body harnesses with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

(25) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

#### WAC 296-155-525. CRANES AND DERRICKS.

##### (1) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while ~~((he is))~~ at ~~((his))~~ the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

Note: When decals, illustrating hand signals, are available from the division or otherwise, they should be posted at the operator's station.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than one-sixty-fourth inch for diameters up to and including five-sixteenths inch, one-thirty-second inch for diameters three-eighths inch to and including one-half inch, three-sixty-fourths inch for diameters nine-sixteenths inch to and including three-fourths inch, one-sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(vi) Wire rope safety factors shall be in accordance with American National Standards Institute B 30.5-1968 or SAE J959-1966.

(g) The foot block of every derrick shall be securely supported and firmly secured against movement in any direction. Proper shores shall be placed against the foot blocks of the derrick to take the pull of the hoisting engine.

(h) Derricks shall be operated only by authorized personnel.

(i) The top of the mast on guy derricks shall be steadied by not less than six guy cables equally spaced.

(j) On guy derricks, eyes shall be formed in the guys at the masthead end by bending back the ends of the cables and clamping the ends with at least three clamps.

(k) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(l) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(m) When "dead men" are used as anchors, the cable shall be so attached that the concentrated load will not cause a shear stress on the "dead men."

(n) On stiff leg derricks where the boom is longer than the mast, care shall be taken to see that the goose-necks are fitted to the stiff legs in a manner so that there will be no undue friction on the gudgeon pin.

(o) A collar shall be placed on the gudgeon pin above the goose-neck, and a hole drilled through the collar and the gudgeon pin, through which a steel bolt shall be passed to hold the collar in position; the steel bolt shall be of sufficient size to prevent the goose-neck from shearing it off when the loaded boom is swung against the stiff leg.

(p) Double sets of bolts shall be used to fasten back legs of a stiff leg derrick.

(q) Particular attention shall be given to the weighting and anchoring of stiff leg derricks.

(r) The operator shall avoid carrying loads over people.

(s) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(t) Only authorized personnel shall make sling hitches on loads.

(u) Workers shall not be allowed to ride on loads handled by derricks.

(v) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(w) Bell, whistle, electric or visual signals shall be provided in connection with all hoists and cableways where an operator is stationed at the power device. Hoist signaling devices shall be so located as to minimize the possibility of signaling accidentally and located so that they cannot be operated by a person standing on hoist or bucket.

(x) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of the American National Standards Institute, B 15.1-1958 Rev., Safety Code for Mechanical Power Transmission Apparatus.

(y) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(z) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(2) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab conforming to American National Standards Institute, B30.5-1968.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed

accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(3) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes.

(4) Tower cranes.

(a) Tower cranes shall be erected under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a ~~((signalman))~~ signalperson so stationed where ~~((he can observe))~~ the boom and/or counterweight movement, and the object with which it may contact ~~((to warn))~~ can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

Note: Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Prior to initial use, all newly erected or altered cranes shall be tested with the design rated load to insure compliance with this standard, including the following functions:

(i) Hoisting and lowering;

(ii) Trolley travel;

(iii) Swing motion;

(iv) Limit, locking and safety devices;

(v) Crane travel where applicable; and

(vi) Foundation and erection.

Note: Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1975 Chapter 3-1.

(A) The test shall consist of suspending a load of not less than 100% of the rated capacity for five minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(B) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand ~~((he may be using))~~ in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom. The chart shall be visible and readable to the operator while ~~((he is in his))~~ at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.



(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) Operators shall not occupy cabs of remotely-controlled stations during repositioning operations.

(o) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(p) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(q) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(r) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(s) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(t) When the operator is actually operating the crane, ~~(he)~~ the operator shall remain in a stationary position.

(u) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(v) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(w) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(x) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(y) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(z) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(5) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See NOTE under WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by ~~((safety belts))~~ a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(6) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1967, Safety Code for Overhead and Gantry Cranes.

(7) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation,



inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1969, Safety Code for Derricks.

(8) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(9) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

((He)) The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge brackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)**WAC 296-155-625 SITE CLEARING. (1) General.**

(a) The word "clearing" means the removal of trees, stumps, logs, brush, debris and rubbish from the surface of the ground in preparation of a site for construction work of any kind. The removal of trees and logs shall be in accordance with the requirements of chapter 296-54 WAC.

(b) All equipment and tools such as axes, sledges, wedges, saws, springboards, etc., shall be maintained in a safe condition and guarded with standard safeguards.

(c) Fallers shall give warning to brushing crews, buckers and other persons in the vicinity where a tree is being felled; taking notice that such persons are not only out of the reach of tree, but also out of danger of possible sidewinders, snags or other trees which may be knocked over by the tree being felled.

(d) No tree shall be felled toward and within range of traveled road or railroad in use, unless a flagman is placed on such road or railroad to warn all approaching persons or to stop vehicles.

(e) Clearing crews shall not be placed immediately below other crews working on hillsides where there is a possible danger of skidding or rolling trees, moving earth or rock.

(f) Pioneer roads on clearing operations shall be constructed to safely accommodate all equipment moved over road.

(g) Hazardous standing and down timber, rocks, etc., shall be moved from upper sides of cuts on side hill operations.

(h) Care shall be exercised in the use of oil for burning brush or timber.

(i) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first aid treatment available.

(j) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(iii) Use of 1/2 inch thick plastic sheets or other thicknesses of plastic panels derived from polycarbonate, acrylic, cellulose acetate butyrate which provides equivalent or better protection against particular hazards involved is acceptable in lieu of 1 or 1 3/4 inch open mesh material.

(A) All panels shall be installed in a manner which can withstand the initial impact, and maintain the protective barrier integrity; and

(B) All panels must be labeled or marked to distinguish between acceptable and inferior materials.

(k) In addition to observance of the general safety and health standards;

(i) The employer shall assume the responsibility of work assignment so that no worker shall be required to work in a position or location so isolated (~~that he is~~) as to not be within ordinary calling distance of another person who can render assistance in case of emergency. In any operation where cutting, felling trees, loading, or a combination of these duties is carried on, there shall be a minimum crew of two persons who shall work as a team and shall be in visual or voice contact with one another. If one worker at these operations is required to be left alone for a period of time, he shall be contacted by another person at reasonable intervals not to exceed fifteen minutes unless such practice can be established to be impractical.

(ii) This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular worker assignments. However, a definite procedure for checking the welfare of all workers during working hours shall be instituted and all workers so advised.

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)**WAC 296-155-950 ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR MATERIAL HANDLING EQUIPMENT. (1) Coverage.**

(a) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(b) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skidsteer equipment is reserved pending consideration of standards currently being developed.

(2) Equipment manufactured on or after September 1, 1972, Material handling machinery described in subsection (1) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in WAC 296-155-955 and 296-155-960, as applicable.

(3) Equipment manufactured before September 1, 1972.

(a) All material handling equipment described in subsection (1) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures.

Machines manufactured before July 1, 1969; Reserved pending further study, development, and review.

(b) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in WAC 296-155-955 and 296-155-960, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate

strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(4) Remounting. ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(5) Labeling. Each ROPS shall have the following information permanently affixed to the structure:

(a) Manufacturer or fabricator's name and address;

(b) ROPS model number, if any;

(c) Machine make, model, or series number that the structure is designed to fit.

(6) Machines meeting certain existing governmental requirements. Any machine in use, equipped with roll-over protective structures, shall be deemed in compliance with this section if it meets the rollover protective structures requirements of the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

(a) U.S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).

(b) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

(7) ROPS meeting the criteria set forth in SAE J1040 a and SAE J1040 b shall be regarded as substantially meeting the requirements of this section, even if they do not meet all the criteria set forth in earlier criteria documents on which the present standard is based.

**AMENDATORY SECTION** (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

**WAC 296-155-48531 VEHICLE MOUNTED ELEVATING AND ROTATING AERIAL DEVICES.** (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in accordance with ANSI A92.2-1979.

(2) Application:

(a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-1979, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.

(b) Aerial devices include the following:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any of the above.

(3) Specification display. The aerial device shall have manufacturers statement clearly stating the minimum

values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

(a) The front gross axle weight rating (GAWR front).

(b) The rear gross axle weight rating (GAWR rear).

(c) The gross vehicle weight rating (GVWR).

(d) The frame section modulus.

(e) The yield strength of the vehicle frame.

(f) The frame resisting bending moment (RBM).

(g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly state in the manufacturers manual and on the aerial device.

(a) Make and model.

(b) Rated load capacity.

(c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturers manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of

the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturers manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

(i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.

(ii) Methods of nondestructive testing shall be described in the quality control procedures.

(iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.

(iv) Appropriate inspection methods of welds are recommended by the American Welding Society.

(v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

(vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.

(vii) The same structural safety factors stated above shall also apply to the platform.

(11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.

(a) Upper controls shall be in or beside the platform, readily visible to the operator, and protected from damage and inadvertent actuation.

(b) Lower controls shall be easily accessible and shall provide for overriding the upper controls.

(c) These and all other controls shall be plainly identified as to their function.

(d) The controls shall return to their neutral position when released by the operator.

(e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.

(f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.

(g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.

(h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to

cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

(k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

#### (12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

#### (13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

#### (14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with non-skid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with WAC ((~~296-155-225~~) 296-155-24510) with a full body ((~~belt~~) harness) and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

- (i) Identification markings.
- (ii) Operation markings.
- (iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

- (i) Make.
- (ii) Model.
- (iii) Insulated or noninsulated.
- (iv) Qualification voltage and date of test.
- (v) Serial number.
- (vi) Rated load capacity.
- (vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or

vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

(i) Boom(s) elevating and lowering mechanism.

(ii) Boom extension mechanism.

(iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive, dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

(j) Performance test of all boom movements.

(k) Condition and tightness of bolts and other fasteners.

(l) Welds, as specified by the manufacturer.

(m) Legible and proper markings of controls, ratings, and instructions.

(23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.

(i) The lower end of the boom section to be tested shall be grounded.

(ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.

(iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.

(iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the

procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-155-682 REQUIREMENTS FOR EQUIPMENT AND TOOLS. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

(a) Conical or tapered bottoms; and

(b) Mechanical or pneumatic means of starting the flow of material.

(2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in WAC ((296-155-225-(10)(a))) 296-155-24510 (5)(a).

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m3) or larger loading skips shall be equipped with the following:



(a) A mechanical device to clear the skip of materials; and

(b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways.

(a) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface, and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(b) All concrete buggy runways which are 12 inches or more above a work surface or floor, or ramps with more than 4 percent incline shall be considered "elevated" runways.

Exception: Small jobs utilizing only one concrete buggy, or larger jobs utilizing a "one-way traffic pattern" may be exempt from the requirements for "turnouts" or for "sufficient width for two buggies to pass."

Exemption: Runways less than 12 inches above the floor or ground which are utilized by hard-powered buggies only, may be exempt from the requirements for guardrails and wheelguards.

(8) Concrete pumping systems.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.

(c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.

(d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in WAC 296-155-428 (1)(d)(i) and (ii).

(f) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.

(g) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating conditions. Any deficiencies shall be repaired, or defective parts replaced before continued use.

(h) A thorough annual inspection of the equipment including nondestructive testing of all sections of the booms, by a method capable of ensuring the structural integrity of the material being tested shall be made. The inspection and testing shall be conducted by a competent person, or a government or private agency recognized by the department. A record of the test results shall be maintained by the employer, and a copy shall be available in each unit for inspection by the department.

(i) All welding shall conform to AWS B3.0-41 Standard Qualification Procedure: AWS D8.4-61 Recommended Practices of Automotive Welding Design: or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.

(j) Booms shall not be used for operations other than that for which they are designed.

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with WAC 296-155-367 (1) through (4).

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially



hazardous energy sources have been locked out and tagged in accordance with WAC 296-155-429.

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-50503 ROOFING BRACKETS.**

(1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Securing: Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

~~(3) ((Catch platform:~~

~~(a) A catch platform shall be installed below the working area of roofs more than sixteen feet from the ground to eaves with a slope greater than four inches in twelve inches without a parapet.~~

~~(b) In width, the platform shall extend two feet beyond the projection of the eaves and shall be provided with a guardrail, midrail, and toeboard.~~

~~(c) This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.~~

~~(4)) Crawling boards or chicken ladders.~~

(a) Crawling boards shall be not less than ten inches wide and one inch thick, having cleats 1 x 1 1/2 inches.

(i) The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed twenty-four inches.

(ii) Nails shall be driven through and clinched on the underside.

(iii) The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-155-50501 APPENDIX—ROOFS.

**AMENDATORY SECTION** (Amending Order 83-34, filed 11/30/83)

**WAC 296-305-110 ELEVATED PLATFORMS.**

(1) Elevated platform systems shall meet the design requirements of this section.

(a) The platform shall have a minimum floor area of 14 square feet and shall be provided with a guardrailing between 42 and 45-inches high on all sides. The railing shall be constructed so that there is no opening below it greater than 24-inches. There shall be two gates below the top railing, each of which shall be provided with suitable safety latches. A kick plate not less than 4-inches high shall be provided around the floor of the

platform. Drain openings shall be provided to prevent water accumulation on the platform. A heat-protective shield shall be provided on the platform for the protection of the operator.

(b) Hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) The basic structural elements of the hydraulic or articulating boom shall have a safety factor of three.

(d) Each hydraulic or pneumatic system for the boom shall be equipped with a pilot operated check valve or other appropriate device to prevent free fall in the event of hydraulic failure.

(2) The requirements related to the controlling of elevated platforms are addressed in this subsection.

(a) A control or device shall be provided at both the lower control station and the platform control station to allow either operator to completely deactivate the platform controls. During deactivation of the platform controls, the lower controls shall remain operable.

(b) A plate shall be located at the platform control unit or units listing the following information:

(i) Model and serial number of the manufacturer;  
(ii) Rated capacity of the platform;  
(iii) Operating pressure of the hydraulic or pneumatic systems or both;

(iv) Caution or restriction of operation or both;  
(v) Control instructions;

(vi) This plate shall be clearly visible to the operator at the lower control position.

(c) There shall be an operator at the lower controls at all times while the fire fighter is in the bucket.

(d) The operator at the lower controls shall make certain the fire fighter on the platform is secured by his life belt or equivalent before raising platform.

~~(3) ((The requirements for testing elevated platforms and related equipment are outlined in this subsection.~~

~~(a) Annually the apparatus and platform shall be tested by the steps outlined in the following items:~~

~~(i) The apparatus shall be placed on solid level ground, brakes set, wheels chocked, and outriggers set to stabilize the apparatus.~~

~~(ii) The platform shall be placed in the manufacturers suggested strongest point three feet above the ground (measure from ground to center of platform's bottom).~~

~~(iii) Once in the aforementioned position, sand bags or a suitable substitute will be placed on the platform until the load totals 1-1/2 times its rated capacity, and maintained there for five minutes.~~

~~(iv) Upon completion of the five minutes, a measurement will again be taken from the ground to center of platform bottom. If the measurement measures a difference of more than two inches, the apparatus shall be taken out of service and repaired and retested until able to do so.~~

~~(v) Using the same static load of 1-1/2 the rated capacity, the apparatus will be operated through its entire range of motion. Failure to pass the test requires that the apparatus be placed out of service until it can be repaired and can properly complete the test.~~

~~(vi) The apparatus will be placed on a slope of 5-degrees and 1-1/2 times its rated capacity in weight will~~

~~be placed in the basket. The 5 degree slope will be downward in the direction most likely to cause the apparatus to overturn and the basket will be operated through its entire range of motion:))~~ Testing of elevated platforms and related apparatus shall be conducted annually.

(a) Testing of elevated platforms and related apparatus shall be in accordance with the 1988 edition of NFPA 1914.

(b) It is recommended that the boom section as well as the support section of the apparatus which supports the turntable should be nondestructively tested by a certified testing agency every five years. After any accident that causes structural damage this test shall be performed and all defects detected shall be corrected before apparatus is returned to service.

(c) Elevated platform testing shall follow the recommendations of the current National Fire Code.

(d) Fire apparatus elevated platforms shall be positioned for the greatest stability feasible at the fire scene.

(4) Communications. ~~((a))~~ A two-way voice communication system shall be installed between the platform and the lower control station.

(5) The automotive apparatus used in conjunction with elevated platforms shall be used in accordance with the following subdivisions:

(a) Hand or air brakes shall be set before the platform is operated.

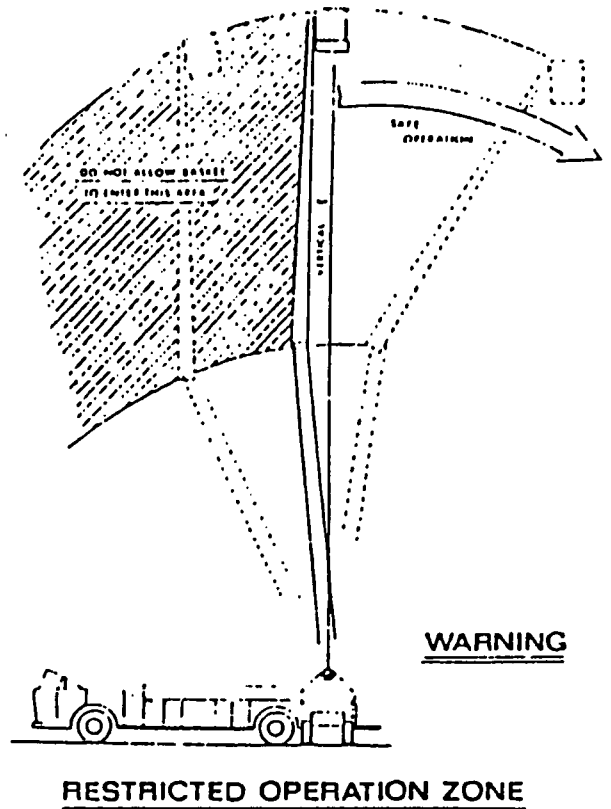
(b) Jacks or outriggers shall be used if the platform is to be elevated.

(c) Wheel blocks shall also be used when the platform is in operation unless the type of apparatus is one whose wheels lift off the ground when the jacks or outriggers are engaged.

(d) Ground plates shall be used under the outriggers or jacks any time apparatus is not on a concrete paved street or alley.

(e) Sand shall be put under jacks, outriggers and wheels when operating on ice or snow.

(6) Appliances mounted on elevated platforms. ~~((a))~~ Platform mounted monitors shall be operated in accordance with the manufacturer's instructions.



AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-020 MANAGEMENT'S RESPONSIBILITY. (1) It shall be the responsibility of management to establish and supervise:

(a) A safe and healthful working environment.  
 (b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative, and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation. If the employee representative is the business agent of the employee bargaining unit that is unavailable to participate without delaying the investigation group, the employer may proceed, and satisfy the requirements of subsection

(2) of this section by using one of the following alternatives:

(a) The shop steward acts as the employee representative.

(b) An employee representative member of the safety committee acts as the employee representative.

(c) The employees select a person to represent them.

(3) Reporting of fatality or multiple hospitalization accidents.

(a) Within 24 hours after the occurrence of an employment accident which results in an immediate or probable fatality ~~((s))~~ to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as ~~((he deems))~~ deemed necessary, concerning the accident.

(b) Equipment involved in an accident resulting in an immediate or probable fatality, shall not be moved, until a representative of the division of industrial safety and health investigates the accident and releases such equipment, except where removal is essential to prevent further accident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of division of industrial safety and health investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the accident, or whoever the investigator deems necessary to complete ~~((his))~~ the investigation.

(4) Each employer shall maintain in each establishment a system for maintaining records of occupational injuries and illnesses as prescribed by ~~((chapter 296-27 WAC))~~ WAC 296-27-030.

Note: Recordable cases include:

1. Every occupational death.
2. Every industrial illness.
3. Every occupational injury that involves one of the following:
  - a. Unconsciousness.
  - b. Inability to perform all phases of regular job.
  - c. Inability to work full time on regular job.
  - d. Temporary assignment to another job.
  - e. Medical treatment beyond first-aid.

(5) All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - Supplementary Record Occupational Injuries and Illnesses and OSHA 200 - Log and Summary. Forms other than OSHA 101 may be substituted for the Supplementary Record of Occupational Injuries and Illnesses if they contain the same items.

(6) Machinery, tools, materials or equipment, whether owned by the employer or under control of another firm or individual, which does not meet the compliance requirements of this chapter, or any other applicable vertical standard of a specific industry, shall not be utilized by employees.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-065 FIRST-AID KIT. (1) All employers who employ men and women covered by the Industrial Safety and Health Act shall furnish first-aid kits as required by the division of safety, department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required.

(3) In the absence of readily accessible first aid supplies such as first aid kits, first aid stations, first aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package first-aid kit.

(4) All crew vehicles used for transporting ~~((workmen))~~ workers shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16, 24, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1 - 50 persons	First-Aid Kit
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200 persons	First-Aid Station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 Persons	First-Aid Room Refer to WAC 296-24-070

(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a serviceable condition. Unit-type kits have all items in the first-aid kit individually wrapped, sealed, and packaged in comparable sized packages. The commercial or cabinet-type kits do not require all items to be individually wrapped and sealed, but only those which must be kept sterile. Items such as scissors, tweezers, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a

single use or application. Individual packaging and sealing shall be required only for those items which must be kept sterile in a first-aid kit.

(7) First-aid kits shall contain at least the following items:

10 Package Kit

- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. Bandage compress, 4" (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 1 Pkg. Triangular bandage, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice\*\*

16 Package Kit

- 1 Pkg. Absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 2 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice\*\*

24 Package Kit

- 2 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 6 Pkgs. Triangular bandages (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice\*\*

36 Package Kit

- 4 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 8 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice\*\*

\*Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

\*\*First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

(8) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable

facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

(10) When required by the department, in addition to the first-aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed 1/2 mile) the following items:

- 1 set of arm and leg splints.
- 2 all wool blankets or blankets equal in strength and fire resistant (properly protected and marked).
- 1 stretcher.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-084 OCCUPATIONAL HEAD PROTECTION. (1) Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(2) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1970.

(3) Persons working in the shops around machinery or in locations which present a hair catching or fire hazard shall wear caps or other type of head covering which completely covers the hair. Caps with metal buttons or metal visors shall not be worn around electrical hazards.

Note 1: The following will define hair lengths considered hazardous:

(a) When the length would exceed the circumference of exposed revolving shafts or tools in fixed machines by 200 percent.

(b) When the length would exceed the radius of pressure rolls with exposed in-running nip points.

(c) When the employee is exposed to an ignition source and the employee may, with hair aflame, run into an area containing class -I flammable liquids or combustible atmospheres.

(d) When exposures require personal protective devices, such as mask-type respirators or ear-cup-type hearing protection devices, and hair, either facial or head, would interfere with a proper seal.

Note 2: When hair length is judged hazardous from a hair catching standpoint (instances (a) or (b) under interpretations in Note 1) minimal confinement shall be within netting which controls all loose ends.

Note 3: If hazardous from fire hazard aspects (instance (c) of Note 1) the hair must be confined within a solid-type material.

(4) Hard hats shall be worn by employees who work around or under scaffolds or other overhead structures, or who are otherwise exposed to the hazards of falling materials and propelled objects.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-150 MACHINERY AND MACHINE GUARDING—GENERAL REQUIREMENTS FOR ALL MACHINES—SCOPE AND APPLICATION. (1) All sections of this chapter which include WAC 296-24-150 in the section number apply to machinery and machine guarding.

(2) All sections which include WAC 296-24-150 in the section number also applies to combination, multi-purpose powered machines, commonly referred to as "iron workers," that punch, shear, notch, cope, and form metals or other materials and to single-end punches, double-end punches, structural shearing machines, notching machines, coping machines, beam punches, detail punches, and spacing punches. It also applies to machines similar in construction and function to mechanical power presses, but which are specifically identified by the respective manufacturers as "iron workers," and to machines whose most distinguishing feature is the multiple work stations at which various operations may be performed singly or simultaneously, including, but not limited to, punching, shearing, notching, coping, and forming.

(3) Mechanical powered machines that shear, punch, form, or assemble metal or material by means of tools or dies attached to slides, and are identified by their respective manufacturers as "mechanical power presses" are regulated by sections which include WAC 296-24-195 in the subsection number.

(4) Machines used in the forming of hot metal including hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses, etc., are regulated by WAC 296-24-200.

**AMENDATORY SECTION** (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-15001 MACHINE GUARDING.

(1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) Point of operation guarding.

(a) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(b) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part

of ((his)) the employee's body in the danger zone during the operating cycle.

(c) Circular meat cutting saws shall be guarded in one of the following ways:

(i) A suspended counter-balanced circular meat cutting saw that requires two-handed operation shall be deemed adequately guarded if provided with a guard that covers at least twenty-five degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(ii) A suspended counter-balanced circular meat cutting saw that requires only one-handed operation shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iii) A nonsuspended circular meat saw, either one-handed or two-handed operation, shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iv) All circular meat cutting saws shall conform to the following:

(A) A "deadman" control shall be required.

(B) The guard protecting the operator from contact with the blade shall be located between the operator and the blade.

(C) The maximum number of degrees of circumferential guarding of the blade shall be provided based on specific applications in meat cutting operations.

(D) A brake that automatically activates upon release of the operating control(s) is required.

(d) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(e) The following are some of the machines which usually require point of operation guarding:

(i) Guillotine cutters.

(ii) Shears.

(iii) Alligator shears.

(iv) Power presses. (Including platen presses.)

(v) Milling machines.

(vi) Power saws.

(vii) Jointers.

(viii) Portable power tools.

(ix) Forming rolls and calenders.

(4) Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) Exposure of blades. When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. Safeguards shall be so constructed that rods, pipes, or like material being handled by ((workmen)) workers will not enter same, and come in contact with moving machinery.

Fan blade guards of any material are acceptable where the material provides protection to workers and meets the requirements of figure O-12 of WAC 296-24-18005(5).

(6) Cams and other machine parts which move in such a manner as to create shearing or crushing hazards shall, if exposed to contact, be guarded with a standard safeguard.

(7) Guarding food waste disposal equipment. "Garbel" or equipment with similar configuration and operational characteristics, will have the worm screw conveyor completely covered by a properly designed and mounted trimboard cover in place during operation of the mechanism.

(8) Garbage disposal units with feed-openings or charging-throats, large enough to allow body parts to contact points of operation shall be guarded:

(a) WAC 296-24-20531, table 0-12 provides mesh size or crossed-metal strip opening and distance of installation from the points of operation which shall be used.

(b) The guard material shall be of sufficient strength that a downward thrust of a body part will not cause the guard to stretch or open larger than two inches.

AMENDATORY SECTION (Amending Orders 73-5 and 73-4, filed 5/9/73 and 5/7/73)

WAC 296-24-15003 ANCHORING FIXED MACHINERY. Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

However, machines using rubber feet or other nonskid (high coefficient of friction) foot pads or similar vibration dampening materials (in lieu of anchoring fixed machinery to prevent walking) shall be acceptable provided the machines do not present a tipping or falling-over or walking hazard.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-24-16531 PROFILE AND SWING-HEAD LATHES AND HEEL TURNING MACHINE. (1) Each profile and swing-head lathe shall have all cutting heads covered by a metal guard. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness; and if cast iron is used, it shall not be less than three-sixteenths inch in thickness.

(2) Cutting heads on turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so that they can be thrown back for making adjustments.

(3) Shoe last and spoke lathes, doweling machines, heel turning machines, and other automatic turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely except at the contact points while the stock is being cut.

(4) Lathes used for turning long pieces of stock held only between the two centers shall be equipped with long curved guards extending over the tops of the lathes in order to prevent the work pieces from being thrown out of the machines if they should become loose.

(5) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subsection (1) of this section.

(6) Wood turning lathes of the type found in school/vocational classrooms or woodshops are regulated by WAC 296-24-15001.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-19505 MECHANICAL POWER PRESS GUARDING AND CONSTRUCTION, GENERAL. (1) Hazards to personnel associated with broken or falling machine components. Machine components shall be designed, secured, or covered to minimize hazards caused by breakage, or loosening and falling or release of mechanical energy (i.e. broken springs).

(2) Brakes. Friction brakes provided for stopping or holding a slide movement shall be inherently self-engaging by requiring power or force from an external source to cause disengagement; brake capacity shall be sufficient to stop the motion of the slide quickly and capable of holding the slide and its attachments at any point in its travel.

(3) Machines using full revolution positive clutches.

(a) Machines using full revolution clutches shall incorporate a single-stroke mechanism. Single stroke mechanism will not be required where full revolution-type presses are used for production-type work, with automatic feeding and injection on a continuous operation and the points of operation are fully enclosed by a fixed barrier guard with no employee exposure.

(b) If the single-stroke mechanism is dependent upon spring action, the spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, and designed to prevent interleaving of the spring coils in event of breakage.

(c) During diesetting operations, when guards are not applicable and for presses provided with barring holes in the flywheel, the diesetters shall be protected by:

(i) Deenergizing the press and the flywheel at rest; and

(ii) The prime mover power to the press is locked-out; and

(iii) The slide is moved by manually turning the crankshaft with the aid of a turnover bar (a lever) inserted through the barring hole in the flywheel.

Note: Two methods of ensuring removal of the turnover bar from the barring hole, per ANSI B11.1-1971, Section 2.51 are:

1. Use of spring action on the end of the bar, or
2. Use of storage pockets for the bar, incorporating an interlocking switch.

(d) During diesetting operations, when guards are not applicable on presses over 60 tons in size where the slide cannot be moved manually, safeguarding will be provided if the press is equipped with a "jog" mode of operation, and:

(i) The flywheel is brought to rest and the clutch is engaged before the drive motor is jogged; and

(ii) The "jog" control requires two-handed operations; or

(iii) The "jog" control is a single control protected against accidental actuation and so located that the worker cannot reach into the point-of-operation while operating the single control.

(e) Safeguarding of the diesetter, as set forth in subdivisions (c) and (d) of this section, constitutes a "device" as defined in WAC 296-24-19501.

(4) Foot pedals (treadle).

(a) The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedal.

(b) A pad with a nonslip contact area shall be firmly attached to the pedal.

(c) The pedal return spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, or designed to prevent interleaving of spring coils in event of breakage.

(d) If pedal counterweights are provided, the path of the travel of the weight shall be enclosed.

(5) Hand operated levers.

(a) Hand-lever-operated power presses shall be equipped with a spring latch on the operating lever to prevent premature or accidental tripping.

(b) The operating levers on hand-tripped presses having more than one operating station shall be interlocked to prevent the tripping of the press except by the "concurrent" use of all levers.

(6) Two-hand trip.

(a) A two-hand trip shall have the individual operator's hand controls protected against unintentional operation and have the individual operator's hand controls arranged by design and construction and/or separation to require the use of both hands to trip the press and use a control arrangement requiring concurrent operation of the individual operator's hand controls.

(b) Two-hand trip systems on full revolution clutch machines shall incorporate an antirepeat feature.

(c) If two-hand trip systems are used on multiple operator presses, each operator shall have a separate set of controls.

(7) Machines using part revolution clutches.

(a) The clutch shall release and the brake shall be applied when the external clutch engaging means is removed, deactivated, or deenergized.

(b) A red color stop control shall be provided with the clutch/brake control system. Momentary operation of the stop control shall immediately deactivate the clutch and apply the brake. The stop control shall override any other control, and reactivation of the clutch shall require use of the operating (tripping) means which has been selected.

(c) A means of selecting off, "inch" single stroke, and "continuous" (when the continuous function is furnished) shall be supplied with the clutch/brake control to select type of operation of the press. Fixing of selection shall be by means capable of supervision by the employer.

(d) Use of the "inch" mode constitutes use of a "device" within the meaning of WAC 296-24-19501. Installed "inch" mode provides point-of-operation safeguarding for diesetters. The "inch" operating means

shall be designed to prevent exposure of the workers hands within the point of operation by:

(i) Requiring the concurrent use of both hands to actuate the clutch, or

(ii) Being a single control protected against accidental actuation and so located that the worker cannot reach into the point of operation while operating the single control.

(e) Two-hand controls for single stroke shall conform to the following requirements:

(i) Each hand control shall be protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands is required to trip the press.

(ii) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during the die closing portion of the stroke.

(iii) The control system shall incorporate an antirepeat feature.

(iv) The control system shall be designed to require release of all operator's hand controls before an interrupted stroke can be resumed. This requirement pertains only to those single stroke two-hand controls manufactured and installed on or after August 31, 1971.

(f) [Reserved.]

(g) Controls for more than one operating station shall be designed to be activated and deactivated in complete sets of two operator's hand controls per operating station by means capable of being supervised by the employer. The clutch/brake control system shall be designed and constructed to prevent actuation of the clutch if all operating stations are bypassed.

(h) Those clutch/brake control systems which contain both single and continuous functions shall be designed so that completion of continuous circuits may be supervised by the employer. The initiation of continuous run shall require a prior action or decision by the operator in addition to the selection of "continuous" on the stroking selector, before actuation of the operating means will result in continuous stroking.

(i) If foot control is provided, the selection method between hand and foot control shall be separate from the stroking selector and shall be designed so that the selection may be supervised by the employer.

(j) Foot operated tripping controls, if used, shall be protected so as to prevent operation from falling or moving objects, or from unintended operation by accidental stepping onto the foot control.

(k) The control of air-clutch machines shall be designed to prevent a significant increase in the normal stopping time due to failure within the operating valve mechanism, and to inhibit further operation if such failure does occur. These requirements shall apply only to those clutch/brake air-valve controls manufactured and installed on or after August 31, 1971, but shall not apply to machines intended only for continuous automatic feeding applications.

(l) The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the single stroke or continuous functions unless the press drive motor is energized and in the forward direction.

(m) The clutch/brake control shall automatically deactivate in event of failure of the power or pressure supply for the clutch engaging means. Reactivation of clutch shall require restoration of normal supply and the use of the tripping mechanism(s).

(n) The clutch/brake control shall automatically deactivate in event of failure of the counterbalance(s) air supply. Reactivation of the clutch shall require restoration of normal air supply and use of the tripping mechanism(s).

(o) Selection of bar operation shall be by means capable of being supervised by the employer. A separate pushbutton shall be employed to activate the clutch, and the clutch shall be activated only if the driver motor is deenergized.

(8) Electrical.

(a) A main power disconnect switch capable of being locked only in the Off position shall be provided with every power press control system.

(b) The motor start button shall be protected against accidental operation.

(c) All mechanical power press controls shall incorporate a type of drive motor starter that will disconnect the drive motor from the power source in event of control voltage or power source failure, and require operation of the motor start button to restart the motor when voltage conditions are restored to normal.

(d) All a.c. control circuits and solenoid valve coils shall be powered by not more than a nominal 120-volt a.c. supply obtained from a transformer with an isolated secondary. Higher voltages that may be necessary for operation of machine or control mechanisms shall be isolated from any control mechanism handled by the operator, but motor starters with integral start-stop buttons may utilize line voltage control. All d.c. control circuits shall be powered by not more than nominal 240-volt d.c. supply isolated from any higher voltages.

(e) All clutch/brake control electrical circuits shall be protected against the possibility of an accidental ground in the control circuit causing false operation of the press.

(f) Electrical clutch/brake control circuits shall incorporate features to minimize the possibility of an unintended stroke in event of the failure of a control component to function properly, including relays, limit switches, and static output circuits.

(9) Slide counterbalance systems.

(a) Spring counterbalance systems when used shall incorporate means to retain system parts in event of breakage.

(b) Spring counterbalances when used shall have the capability to hold the slide and its attachments at mid-stroke, without brake applied.

(c) Air counterbalance cylinders shall incorporate means to retain the piston and rod in case of breakage or loosening.

(d) Air counterbalance cylinders shall have adequate capability to hold the slide and its attachments at any point in stroke, without brake applied.

(e) Air counterbalance cylinders shall incorporate means to prevent failure of capability (sudden loss of pressure) in event of air supply failure.

(10) Air controlling equipment. Air controlling equipment shall be protected against foreign material and water entering the pneumatic system of the press. A means of air lubrication shall be provided when needed.

(11) Hydraulic equipment. The maximum anticipated working pressures in any hydraulic system on a mechanical power press shall not exceed the safe working pressure rating of any component used in that system.

(12) Pressure vessels. All pressure vessels used in conjunction with power presses shall conform to the American Society of Mechanical Engineers Code for Pressure Vessels, 1968 Edition.

(13) Control reliability. When required by subsection 19507(5) of WAC 296-24-195, the control system shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent initiation of a successive stroke until the failure is corrected. The failure shall be detectable by a simple test, or indicated by the control system. This requirement does not apply to those elements of the control system which have no effect on the protection against point of operation injuries.

(14) Brake system monitoring. When required by subsection 19507(5) of WAC 296-24-195, the brake monitor shall meet the following requirements:

(a) Be so constructed as to automatically prevent the activation of a successive stroke if the stopping time or braking distance deteriorates to a point where the safety distance being utilized does not meet the requirements set forth in item 19507 (3)(c)(v) or 19507 (3)(g)(iii) of this section. The brake monitor used with the Type B gate or movable barrier device shall be installed in a manner to detect slide top-stop overrun beyond the normal limit reasonably established by the employer.

(b) Be installed on a press such that it indicates when the performance of the braking system has deteriorated to the extent described in subdivision 19505 (14)(a) of this section; and

(c) Be constructed and installed in a manner to monitor brake system performance on each stroke.

#### AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-19509 DESIGN, CONSTRUCTION, SETTING AND FEEDING OF DIES. (1) General requirements. Effective February 1, 1975, the employer shall:

(a) Use dies and operating methods designed to control or eliminate hazards to operating personnel, and

(b) Furnish and enforce the use of hand tools for freeing and removing stuck work or scrap pieces from the die, so that no employee need reach into the point of operation for such purposes.

(2) [Reserved.]

(3) Scrap handling. The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded in accordance with WAC 296-24-19507 and 296-24-205, mechanical power-transmission apparatus.



(4) Guide post hazard. The hazard created by a guide post (when it is located in the immediate vicinity of the operator) when separated from its bushing by more than one-fourth inch shall be considered as a point of operation hazard and be protected in accordance with WAC 296-24-19507.

(5) Unitized tooling. If unitized tooling is used, the opening between the top of the punch holder and the face of the slide, or striking pad, shall be safeguarded in accordance with the requirements of WAC 296-24-19507.

(6) Tonnage, stroke and weight designation. All dies shall be:

(a) Stamped with the tonnage and stroke requirements, or have these characteristics recorded if these records are readily available to the die setter;

(b) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment; and

(c) Stamped to indicate complete die weight when handling equipment may become overloaded.

(7) Die fastening. Provision shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

(8) Die handling. Handling equipment attach points shall be provided on all dies requiring mechanical handling.

(9) Diesetting.

(a) When diesetters are operating a mechanical power press, such as running test and production parts, diesetting or trouble shooting, they shall be protected by point-of-operation guards or devices.

(b) The employer shall establish a diesetting procedure that will insure compliance with WAC 296-24-19507.

~~((b))~~ (c) The employer shall provide spring loaded turnover bars, for presses designed to accept such turnover bars.

~~((c))~~ (d) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing dies in presses which are inclined.

~~((d))~~ (e) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press.

~~((e))~~ (f) The employer shall provide brushes, swabs, lubricating rolls and automatic or manual pressure guns so that operators and diesetters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches or dies.

AMENDATORY SECTION (Amending Orders 73-5 and 73-4, filed 5/9/73 and 5/7/73)

WAC 296-24-200 FORGING MACHINES. Machines used in the forming of hot metal including hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses among other forging machines are regulated by sections which include WAC 296-24-200 in the subsection number.

AMENDATORY SECTION (Amending Orders 73-5 and 73-4, filed 5/9/73 and 5/7/73)

WAC 296-24-23023 TRUCKS AND RAILROAD CARS. (1) The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.

(2) Wheel stops or other recognized positive protection shall be provided to prevent railroad cars from moving during loading or unloading operations.

(3) Fixed jacks may be necessary to support a semi-trailer and prevent up-ending during the loading or unloading when the trailer is not coupled to a tractor.

(4) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(5) Trucks/trailers equipped with a rear-end protection device to prevent cars from being wedged underneath the rear end during a collision, may facilitate the use of a mechanical means to secure the truck/trailer to the loading dock attaching to the device. Wheel chocks will not be required when the following provisions are utilized:

(a) A positive mechanical means to secure trucks or trailers is permitted, provided that the system is installed and used in a manner that effectively prevents movement away from the dock during loading, unloading, and boarding by handtrucks or powered industrial trucks.

(b) All of the mechanical equipment shall be installed, maintained, and used as recommended by the manufacturer.

(c) Any damaged mechanical equipment shall be removed from service immediately and shall not be used as a means of complying with the requirements to secure trucks and trailers.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-23027 TRUCK OPERATIONS. (1) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object.

(2) No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(4) The employer shall prohibit arms or legs from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in ~~((his))~~ view, or whenever the operator leaves the vehicle and it is not in ~~((his))~~ view.

(b) When the operator of an industrial truck is dismounted and within 25 feet of the truck, still in ~~((his))~~

view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance shall be maintained from the edge of ramps or platforms while on any elevated dock, or platform or freight car. Trucks shall not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device shall require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The truck operator shall be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) Employees or other persons will stand clear while the door is being moved with a device.

(7) Brakes shall be set and wheel blocks shall be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There shall be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.

(11) Only approved industrial trucks shall be used in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions shall be taken for the protection of personnel being elevated.

(a) Use of a safety platform firmly secured to the lifting carriage and/or forks.

(b) Means shall be provided whereby personnel on the platform can shut off power to the truck.

(c) Such protection from falling objects as indicated necessary by the operating conditions shall be provided.

(13) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are complied with: (a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(d) An operator shall attend the lift equipment while workers are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(14) Fire aisles, access to stairways, and fire equipment shall be kept clear.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-450 CHLORINE CYLINDERS USED IN CHLORINATOR SYSTEMS. Ventilation, storage of tanks and use of tanks shall meet specifications of The Chlorine Manual, The Chlorine Institute, Inc., (~~third edition, 1959~~) fifth edition, 1986.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-24-68203 CYLINDERS AND CONTAINERS. (1) Approval and marking. All portable cylinders used for the storage and shipment of compressed gases shall be constructed and maintained in accordance with the regulations of the United States Department of Transportation, 49 CFR Parts 171-179.

(a) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

Note: This method conforms to the American National Standard Method for Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z 48.1-1954.

(b) Compressed gas cylinders shall be equipped with connections complying with the American National Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B 57.1-1965.

(c) All cylinders with a water weight capacity of over thirty pounds shall be equipped with means of connecting a valve protection cap or with a collar or recess to protect the valve.

(2) Storage of cylinders - general.

(a) Cylinders shall be kept away from radiators and other sources of heat.

(b) Inside of buildings, cylinders shall be stored in a well-protected, well-ventilated, dry location, at least twenty feet from highly combustible materials such as oil or excelsior. Cylinders should be stored in definitely assigned places away from elevators, stairs, or gangways. Assigned storage spaces shall be located where cylinders will not be knocked over or damaged by passing or falling objects, or subject to tampering by unauthorized

persons. Cylinders shall not be kept in unventilated enclosures such as lockers and cupboards.

(c) Empty cylinders shall have their valves closed.

(d) Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use.

(3) Fuel-gas cylinder storage. Inside a building, cylinders, except those in actual use or attached ready for use, shall be limited to a total gas capacity of two thousand cubic feet or three hundred pounds of liquefied petroleum gas.

(a) For storage in excess of two thousand cubic feet total gas capacity of cylinders or three hundred pounds of liquefied petroleum gas, a separate room or compartment conforming to the requirements specified in WAC 296-24-68211 (6)(h) and (i) shall be provided, or cylinders shall be kept outside or in a special building. Special buildings, rooms or compartments shall have no open flame for heating or lighting and shall be well ventilated. They may also be used for storage of calcium carbide in quantities not to exceed six hundred pounds, when contained in metal containers complying with WAC 296-24-68213 (1)(a) and (b). Signs should be conspicuously posted in such rooms reading, "Danger—No smoking, matches or open lights," or other equivalent wording.

(b) Acetylene cylinders shall be stored valve end up.

(4) Oxygen storage.

(a) Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

(b) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least one hour. This partition shall be without openings and shall be gastight.

(c) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of twenty feet or by a noncombustible barrier at least five feet high having a fire-resistance rating of at least one-half hour. (Cylinders "in-use," secured to a hand truck or structural member, with regulators, hoses, and torch temporarily removed for security purposes overnight or weekends, are not considered "in-storage.")

(d) Where a liquid oxygen system is to be used to supply gaseous oxygen for welding or cutting and the system has a storage capacity of more than thirteen thousand cubic feet of oxygen (measured at 14.7 psi(a) and 70°F), connected in service or ready for service, or more than twenty-five thousand cubic feet of oxygen (measured at 14.7 psi(a) and 70°F), including unconnected reserves on hand at the site, it shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566-1965.

(5) Operating procedures.

(a) Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall

not be handled with oily hands or gloves. A jet of oxygen must never be permitted to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(b) When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets shall not be used for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

(c) Cylinders shall not be dropped or struck or permitted to strike each other violently.

(d) Valve-protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen to the ground or otherwise fixed; the use of warm (not boiling) water is recommended. Valve-protection caps are designed to protect cylinder valves from damage.

(e) Unless cylinders are secured on a special truck, regulators shall be removed and valve-protection caps, when provided for, shall be put in place before cylinders are moved.

(f) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while these cylinders are in service. In multiple cylinder installations only one key or handle is required for each manifold.

(g) Cylinder valves shall be closed before moving cylinders.

(h) Cylinder valves shall be closed when work is finished.

(i) Valves of empty cylinders shall be closed.

(j) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them, or fire-resistant shields shall be provided.

(k) Cylinders shall not be placed where they might become part of an electric circuit. Contacts with third rails, trolley wires, etc., shall be avoided. Cylinders shall be kept away from radiators, piping systems, layout tables, etc., that may be used for grounding electric circuits such as for arc welding machines. Any practice such as the tapping of an electrode against a cylinder to strike an arc shall be prohibited.

(l) Cylinders shall never be used as rollers or supports, whether full or empty.

(m) The numbers and markings stamped into cylinders shall not be tampered with.

(n) No person, other than the gas supplier, shall attempt to mix gases in a cylinder. No one, except the owner of the cylinder or the person authorized by ~~((him))~~ the owner, shall refill a cylinder.

(o) No one shall tamper with safety devices in cylinders or valves.

(p) Cylinders shall not be dropped or otherwise roughly handled.

(q) Unless connected to a manifold, oxygen from a cylinder shall not be used without first attaching an oxygen regulator to the cylinder valve. Before connecting the regulator to the cylinder valve, the valve shall be opened slightly for an instant and then closed. (Always stand to one side of the outlet when opening the cylinder valve.)

(r) A hammer or wrench shall not be used to open cylinder valves. If valves cannot be opened by hand, the supplier shall be notified.

(s) Cylinder valves shall not be tampered with nor should any attempt be made to repair them. If trouble is experienced, the supplier should be sent a report promptly indicating the character of the trouble and the cylinder's serial number. Supplier's instructions as to its disposition shall be followed.

(t) Complete removal of the stem from a diaphragm-type cylinder valve shall be avoided.

(u) Fuel-gas cylinders shall be placed with valve end up whenever they are in use. Liquefied gases shall be stored and shipped with the valve end up.

(v) Cylinders shall be handled carefully. Cylinders shall not be subjected to rough handling, knocks, or falls which are liable to damage the cylinder, valve or safety devices and cause leakage.

(w) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. The valve shall be opened while standing to one side of the outlet; never in front of it. Fuel-gas cylinder valves shall not be cracked near other welding work or near sparks, flame, or other possible sources of ignition.

(x) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(y) Nothing shall be placed on top of an acetylene cylinder when in use which may damage the safety device or interfere with the quick closing of the valve.

(z) If cylinders are found to have leaky valves or fittings which cannot be stopped by closing of the valve, the cylinders shall be taken outdoors away from sources of ignition and slowly emptied.

(aa) A warning should be placed near cylinders having leaking fuse plugs or other leaking safety devices not to approach them with a lighted cigarette or other source of ignition. Such cylinders should be plainly tagged; the supplier should be promptly notified and ((his)) instructions provided by the supplier shall be followed as to their return.

(bb) Safety devices shall not be tampered with.

(cc) Fuel-gas shall not be used from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(dd) The cylinder valve shall always be opened slowly.

(ee) An acetylene cylinder valve shall not be opened more than one and one-half turns of the spindle, and preferably no more than three-fourths of a turn.

(ff) Where a special wrench is required it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel-gas flow can be quickly turned off in case of emergency. In the case of manifolded or coupled cylinders at least one such wrench shall always be available for immediate use.

(gg) When cylinders are transported by powered vehicle they shall be secured in a vertical position.

(hh) A suitable cylinder truck, chain, or other steady-ing device shall be used to prevent cylinders from being knocked over while in use.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-75009 STAIRWAY RAILINGS AND GUARDS. (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in (a) through (e) of this rule, except that vehicle service pit stairways will be exempt from the requirement if such hand or stair rails would prevent vehicle movement into a position over the pit, the width of the stair to be measured clear of all obstructions except handrails:

(a) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

(b) On stairways less than 44 inches wide having one side open, at least one stair railing on open side.

(c) On stairways less than 44 inches wide having both sides open, one stair railing on each side.

(d) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(e) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(3) Nonindustrial and "monumental" steps are excluded as they are not "industrial" stairs; however, when public and private building steps are located at loading or receiving docks, in maintenance areas, etc., or are used exclusively by employees, the requirements of this standard shall apply.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-75011 RAILING, TOEBOARDS, AND COVER SPECIFICATIONS. (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from thirty-six to forty-two inches nominal from upper surface of top rail to floor, platform, runway, or ramp level((-)) and:

(a) The top rail shall be smooth-surfaced throughout the length of the railing.

(b) The intermediate rail shall be approximately half-way between the top rail and the floor, platform, runway, or ramp.

(c) The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(d) Guardrails with heights greater than 42 inches are permissible provided the extra height does not create a dangerous situation for employees and that additional mid-rails were installed so that openings beneath the top rail would not permit the passage of a 19-inch or larger spherical object.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than thirty-four inches nor less than thirty inches from

upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 (S4S) Southern Yellow Pine (Modulus of Rupture 7,400 p.s.i.)) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.

(a) For wood railings, the posts shall be of at least two-inch by four-inch nominal stock spaced not to exceed six feet; the top and intermediate rails shall be of at least two-inch by four-inch nominal stock. If top rail is made of two right-angle pieces of one-inch by four-inch stock, posts may be spaced on eight-foot centers, with two-inch by four-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least one and one-half inches nominal diameter (outside diameter) with posts spaced not more than eight feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of two-inch by two-inch by three-eighths-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than eight feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least two hundred pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from thirty-six to forty-two inches nominal;

(ii) A strength to withstand at least the minimum requirement of two hundred pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be a minimum of four inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than one-quarter-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over one inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of

rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(a) The height of handrails shall be not more than thirty-four inches nor less than thirty inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(b) The size of handrails shall be: When of hardwood, at least two inches in diameter; when of metal pipe, at least one and one-half inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least one and one-half inches. The spacing of brackets shall not exceed eight feet.

(c) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least two hundred pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than one and one-half inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least twenty thousand pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least twenty thousand pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than one inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over thirty degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least two hundred pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than four inches long or of slatwork with openings not more than two inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least two hundred pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than twelve inches in length and shall be so mounted as to give one and one-half inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of

at least two hundred pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least two hundred pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than eight inches long, or of slatwork with openings not more than four inches wide with length unrestricted.

**AMENDATORY SECTION** (Amending Order 87-24, filed 11/30/87)

**WAC 296-24-95611 SPECIFIC PURPOSE EQUIPMENT AND INSTALLATIONS.** (1) Electric signs and outline lighting.

(a) Disconnecting means. Signs operated by electronic or electromechanical controllers located outside the sign shall have a disconnecting means located inside the controller enclosure or within sight of the controller location, and it shall be capable of being locked in the open position. Such disconnecting means shall have no pole that can be operated independently, and it shall open all ungrounded conductors that supply the controller and sign. All other signs, except the portable type, and all outline lighting installations shall have an externally operable disconnecting means which can open all ungrounded conductors and is within the sight of the sign or outline lighting it controls.

(b) Doors or covers giving access to uninsulated parts of indoor signs or outline lighting exceeding 600 volts and accessible to other than qualified persons shall either be provided with interlock switches to disconnect the primary circuit or shall be so fastened that the use of other than ordinary tools will be necessary to open them.

(2) Cranes and hoists. This subsection applies to the installation of electric equipment and wiring used in connection with cranes, monorail hoists, hoists, and all runways.

(a) Disconnecting means.

(i) A readily accessible disconnecting means shall be provided between the runway contact conductors and the power supply.

(ii) Another disconnecting means, capable of being locked in the open position, shall be provided in the leads from the runway contact conductors or other power supply on any crane or monorail hoist.

(A) If this additional disconnection means is not readily accessible from the crane or monorail hoist operating station means shall be provided at the operating station, to open the power circuit to all motors of the crane or monorail hoist.

(B) The additional disconnect may be omitted if a monorail hoist or hand-propelled crane bridge installation meets all of the following:

(I) The unit is floor controlled;

(II) The unit is within view of the power supply disconnecting means; and

(III) No fixed work platform has been provided for servicing the unit.

(b) Control. A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of any hoisting mechanism.

(c) Clearance. The dimension of the working space in the direction of access to live parts which may require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the door(s) shall either open at least 90 degrees or be removable.

(3) Elevators, dumbwaiters, escalators, and moving walks.

(a) Disconnecting means. Elevators, dumbwaiters, escalators, and moving walks shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

(b) Warning signs. If interconnections between control panels are necessary for operation of the system on a multicar installation that remains energized from a source other than the disconnecting means, a warning sign shall be mounted on or adjacent to the disconnecting means. The sign shall be clearly legible and shall read "Warning—Parts of the control panel are not de-energized by this switch." (See WAC 296-24-95603 (2)(c).)

(c) Control panels. If control panels are not located in the same space as the drive machine, they shall be located in cabinets with doors or panels capable of being locked closed.

(4) Electric welders—disconnecting means.

(a) A disconnecting means shall be provided in the supply circuit for each motor-generator arc welder, and for each AC transformer and DC rectifier arc welder which is not equipped with a disconnect mounted as an integral part of the welder.

(b) A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be isolated from the supply circuit. The ampere rating of this disconnecting means may not be less than the supply conductor ampacity.

(5) Data processing systems—disconnecting means. A disconnecting means shall be provided to disconnect the power to all electronic equipment in data processing or computer rooms. This disconnecting means shall be controlled from locations readily accessible to the operator at the principal exit doors. There shall also be a similar disconnecting means to disconnect the air conditioning system serving this area.

(6) X-ray equipment. This subsection applies to x-ray equipment for other than medical or dental use.

(a) Disconnecting means.

(i) A disconnecting means shall be provided in the supply circuit. The disconnecting means shall be operable from a location readily accessible from the x-ray control. For equipment connected to a 120-volt branch circuit of 30 amperes or less, a grounding-type attachment plug cap and receptacle of proper rating may serve as a disconnecting means.

(ii) If more than one piece of equipment is operated from the same high-voltage circuit, each piece or each group of equipment as a unit shall be provided with a high-voltage switch or equivalent disconnecting means. This disconnecting means shall be constructed, enclosed,

or located so as to avoid contact by employees with its live parts.

(b) Control.

(i) Radiographic and fluoroscopic types. Radiographic and fluoroscopic-type equipment shall be effectively enclosed or shall have interlocks that de-energize the equipment automatically to prevent ready access to live current-carrying parts.

(ii) Diffraction and irradiation types. Diffraction-type and irradiation-type equipment shall be provided with a means to indicate when it is energized unless the equipment or installation is effectively enclosed or is provided with interlocks to prevent access to live current-carrying parts during operation.

(7) Induction and dielectric heating equipment.

(a) Scope. Subdivisions (b) and (c) of this subsection cover induction and dielectric heating equipment and accessories for industrial and scientific applications, but not for medical dental applications or for appliances.

(b) Guarding and grounding.

(i) Enclosures. The converting apparatus (including the DC line) and high-frequency electric circuits (excluding the output circuits and remote-control circuits) shall be completely contained within enclosures of non-combustible material.

(ii) Panel controls. All panel controls shall be of dead-front construction.

(iii) Access to internal equipment. Where doors are used for access to voltages from 500 to 1000 volts AC or DC, either door locks or interlocks shall be provided. Where doors are used for access to voltages of over 1000 volts AC or DC, either mechanical lockouts with a disconnecting means to prevent access until voltage is removed from the cubicle, or both door interlocking and mechanical door locks, shall be provided.

(iv) Warning labels. "Danger" labels shall be attached on the equipment and shall be plainly visible even when doors are open or panels are removed from compartments containing voltages of over 250 volts AC or DC.

(v) Work applicator shielding. Protective cages or adequate shielding shall be used to guard work applicators other than induction heating coils. Induction heating coils shall be protected by insulation and/or refractory materials. Interlock switches shall be used on all hinged access doors, sliding panels, or other such means of access to the applicator. Interlock switches shall be connected in such a manner as to remove all power from the applicator when any one of the access doors or panels is open. Interlocks on access doors or panels are not required if the applicator is an induction heating coil at DC ground potential or operating at less than 150 volts AC.

(vi) Disconnecting means. A readily accessible disconnecting means shall be provided by which each unit of heating equipment can be isolated from its supply circuit.

(c) Remote control. If remote controls are used for applying power, a selector switch shall be provided and interlocked to provide power from only one control point at a time. Switches operated by foot pressure shall be provided with a shield over the contact button to avoid accidental closing the switch.

(8) Electrolytic cells.

(a) Scope. These provisions for electrolytic cells apply to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc. Cells used as a source of electric energy and for electroplating processes and cells used for production of hydrogen are not covered by these provisions.

(b) Definitions applicable to this subsection.

Cell line: An assembly of electrically interconnected electrolytic cells supplied by a source of direct-current power.

Cell line attachments and auxiliary equipment: Cell line attachments and auxiliary equipment include, but are not limited to: Auxiliary tanks; process piping; duct work; structural supports; exposed cell line conductors; conduits and other raceways; pumps; positioning equipment and cell cutout or bypass electrical devices. Auxiliary equipment also includes tools, welding machines, crucibles, and other portable equipment used for operation and maintenance within the electrolytic cell line working zone. In the cell line working zone, auxiliary equipment includes the exposed conductive surfaces of ungrounded cranes and crane-mounted cell-servicing equipment.

Cell line working zone: The cell line working zone is the space envelope wherein operation or maintenance is normally performed on or in the vicinity of exposed energized surfaces of cell lines or their attachments.

Electrolytic cells: A receptacle or vessel in which electrochemical reactions are caused by applying energy for the purpose of refining or producing usable materials.

(c) Application. Installations covered by subsection (8) of this section shall comply with all applicable provisions of this section except as follows:

(i) Overcurrent protection of electrolytic cell DC process power circuits need not comply with the requirements of WAC 296-24-95607(5).

(ii) Equipment located or used within the cell line working zone or associated with the cell line DC power circuits need not comply with the provisions of WAC 296-24-95607(6).

(iii) Electrolytic cells, cell line conductors, cell line attachments, and the wiring of auxiliary equipment and devices within the cell line working zone need not comply with the provisions of WAC 296-24-95605 and 296-24-95607 (2) and (3).

(d) Disconnecting means.

(i) If more than one DC cell line process power supply serves the same cell line, a disconnecting means shall be provided on the cell line circuit side of each power supply to disconnect it from the cell line circuit.

(ii) Removable links or removable conductors may be used as the disconnecting means.

(e) Portable electric equipment.

(i) The frames and enclosures of portable electric equipment used within the cell line working zone may not be grounded. However, these frames and enclosures may be grounded if the cell line circuit voltage does not exceed 200 volts DC or if the frames are guarded.



(ii) Ungrounded portable electric equipment shall be distinctively marked and may not be interchangeable with grounded portable electric equipment.

(f) Power supply circuits and receptacles for portable electric equipment.

(i) Circuits supplying power to ungrounded receptacles for hand-held, cord-and plug-connected equipment shall be electrically isolated from any distribution system supplying areas other than the cell line working zone and shall be ungrounded. Power for these circuits shall be supplied through isolating transformers.

(ii) Receptacles and their mating plugs for ungrounded equipment may not have provision for a grounding conductor and shall be of a configuration which prevents their use for equipment required to be grounded.

(iii) Receptacles on circuits supplied by an isolating transformer with an ungrounded secondary shall have a distinctive configuration, shall be distinctively marked, and may not be used in any other location in the plant.

(g) Fixed and portable electric equipment.

(i) AC systems supplying fixed and portable electric equipment within the cell line working zone need not be grounded.

(ii) Exposed conductive surfaces, such as electric equipment housings, cabinets, boxes, motors, raceways and the like that are within the cell line working zone need not be grounded.

(iii) Auxiliary electrical devices, such as motors, transducers, sensors, control devices, and alarms, mounted on an electrolytic cell or other energized surface, shall be connected by any of the following means:

(A) Multiconductor hard usage or extra hard usage flexible cord;

(B) Wire or cable in suitable raceways; or

(C) Exposed metal conduit, cable tray, armored cable, or similar metallic systems installed with insulating breaks such that they will not cause a potentially hazardous electrical condition.

(iv) Fixed electric equipment may be bonded to the energized conductive surfaces of the cell line, its attachments, or auxiliaries. If fixed electric equipment is mounted on an energized conductive surface, it shall be bonded to that surface.

(h) Auxiliary nonelectric connections. Auxiliary nonelectric connections, such as air hoses, water hoses, and the like, to an electrolytic cell, its attachments, or auxiliary equipment may not have continuous conductive reinforcing wire, armor, braids, and the like. Hoses shall be of a nonconductive material.

(i) Cranes and hoists.

(i) The conductive surfaces of cranes and hoists that enter the cell line working zone need not be grounded. The portion of an overhead crane or hoist which contacts an energized electrolytic cell or energized attachments shall be insulated from ground.

(ii) Remote crane or hoist controls which may introduce hazardous electrical conditions into the cell line working zone shall employ one or more of the following systems:

(A) Insulated and ungrounded control circuit;

(B) Nonconductive rope operator;

(C) Pendant pushbutton with nonconductive supporting means and having nonconductive surfaces or ungrounded exposed conductive surfaces; or

(D) Radio.

(9) Electrically driven or controlled irrigation machines. (See WAC 296-24-95603 (2)(c).)

(a) Lightning protection. If an electrically driven or controlled irrigation machine has a stationary point, a driven ground rod shall be connected to the machine at the stationary point for lightning protection.

(b) Disconnecting means. The main disconnecting means for a center pivot irrigation machine shall be located at the point of connection of electrical power to the machine and shall be readily accessible and capable of being locked in the open position. A disconnecting means shall be provided for each motor and controller.

(10) Swimming pools, fountains, and similar installations.

(a) Scope. Subdivisions (b) through (e) of this subsection apply to electric wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools and fountains, whether permanently installed or storable, and to metallic auxiliary equipment, such as pumps, filters, and similar equipment. Therapeutic pools in health care facilities are exempt from these provisions.

(b) Lighting and receptacles.

(i) Receptacles. A single receptacle of the locking and grounding type that provides power for a permanently installed swimming pool recirculating pump motor may be located not less than 5 feet from the inside walls of a pool. All other receptacles on the property shall be located at least 10 feet from the inside walls of a pool. Receptacles which are located within 15 feet of the inside walls of the pool shall be protected by ground-fault circuit interrupters.

Note: In determining these dimensions, the distance to be measured is the shortest path the supply cord of an appliance connected to the receptacle would follow without piercing a floor, wall, or ceiling of a building or other effective permanent barrier.

(ii) Lighting fixtures and lighting outlets.

(A) Unless they are 12 feet above the maximum water level, lighting fixtures and lighting outlets may not be installed over a pool or over the area extending 5 feet horizontally from the inside walls of a pool. However, a lighting fixture or lighting outlet which has been installed before April 16, 1981, may be located less than 5 feet measured horizontally from the inside walls of a pool if it is at least 5 feet above the surface of the maximum water level and shall be rigidly attached to the existing structure. It shall also be protected by a ground-fault circuit interrupter installed in the branch circuit supplying the fixture.

(B) Unless installed 5 feet above the maximum water level and rigidly attached to the structure adjacent to or enclosing the pool, lighting fixtures and lighting outlets installed in the area extending between 5 feet and 10 feet horizontally from the inside walls of a pool shall be protected by a ground-fault circuit interrupter.

(c) Cord-connected and plug-connected equipment. Flexible cords used with the following equipment may not exceed 3 feet in length and shall have a copper



equipment grounding conductor with a grounding-type attachment plug.

(i) Cord-connected and plug-connected lighting fixtures installed within 16 feet of the water surface of permanently installed pools.

(ii) Other cord-connected and plug-connected, fixed or stationary equipment used with permanently installed pools.

(d) Underwater equipment.

(i) A ground-fault circuit interrupter shall be installed in the branch circuit supplying underwater fixtures operating at more than 15 volts. Equipment installed underwater shall be approved for the purpose.

(ii) No underwater lighting fixtures may be installed for operation at over 150 volts between conductors.

(e) Fountains. All electric equipment operating at more than 15 volts, including power supply cords, used with fountains shall be protected by ground-fault circuit interrupters. (See WAC 296-24-95603 (2)(c).)

(11) Safety procedure and protective equipment required for exposure to movie theater Xenon bulbs. Exposure also includes opening of the lamphouse where the bulb is installed. The following are minimum requirements for theater personnel or others who install, change, or dispose of Xenon bulbs and are exposed to potential explosion hazard:

(a) All bulbs, new, used or subject to future disposal, must be stored in the protective jacket provided until time of use.

(b) Protective equipment shall be furnished at no cost to the employee and the use shall be strictly enforced for any exposed employee. Basic safety equipment required is:

(i) Full protective face shield with crown protector.

(ii) Safety glasses for use under face shield. (To meet required impact resistance test of ANSI Z87.1.)

(iii) Impact resistant, long-sleeved jacket of a length adequate to protect vital organs.

(iv) Impact resistant gloves.

(c) A bulb subject to disposal should be removed with the regular, proper precautions, carefully placed in its protective jacket or cover and deliberately broken by dropping from a sufficient height. An unbroken bulb must never be disposed of as regular garbage or trash.

(d) Bulbs must be handled only at room temperature. If they have been in operation, adequate time (at least 10 minutes) must be allowed for the bulb to cool to room temperature before handling.

#### AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-650 DEFINITIONS APPLICABLE TO THIS PART. ((1) "Accepted engineering requirements (or practices)" means those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or other duly licensed or recognized authority.

(2) "Angle of repose" means the greatest angle above the horizontal plane at which a material will lie without sliding or rolling.

(3) "Bank" means a mass of soil rising above a digging level.

(4) "Belled excavation" means a part of a shaft or footing excavation, usually near the bottom and bell-shaped, i.e., an enlargement of the cross section above.

(5) "Borrow pit" means a cavity or opening formed in the earth by breaking, loosening, cutting, digging or pushing aside material and removal of any unprocessed earthen material.

(6) "Braces (trench)" means the horizontal members of the shoring system whose ends bear against the uprights or stringers.

(7) "Cofferdam" means a watertight chamber used to exclude water or other fluid or semi-fluid material during excavation for foundations and the construction of subsurface structures.

(8) "Compact shale" means a type of hardened clay that has not yet split into thin layers.

(9) "Competent person" means one who is capable of identifying hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous.

(10) "Equipment" means ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, shoring, bracing and any such safeguards, protective construction and devices used in affording protection to the workers engaged in excavating work.

(11) "Embankment" means an artificial or man-made bank of earthen material.

(12) "Excavation" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

(13) "Faces" see subsection (21) of this section.

(14) "Hard compact soil" means all earth materials not classified as running or unstable.

(15) "Kickouts" means accidental release or failure of a shore or brace.

(16) "Moving ground" means any ground, which for any reason, will not remain in its original location.

(17) "Ramp" means an inclined runway.

(18) "Runway" means any planked over walkway or drive constructed and maintained as a passageway for workers or rolling equipment.

(19) "Sheet pile" means a pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.

(20) "Shoring system" means any assembly of equipment or material used to prevent the ground or earth from moving.

(21) "Sides," "walls," or "faces" means the vertical or inclined earth surfaces formed as a result of excavation work.

(22) "Slope" means the angle with the horizontal at which a particular earth material will stand indefinitely without movement.

(23) "Stringers" (wales) means the horizontal members of a shoring system whose sides bear against the uprights or earth.

(24) "Structural construction" means any activity or process required in the actual construction of any type of structure, pipeline or conduit exclusive of the excavation.

(25) "Trench" means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

(26) "Trench jack" means screw or hydraulic type jacks used as cross bracing in a trench shoring system.

(27) "Trench shield" or "trench box" means a shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.

(28) "Unstable soil" means earth material, other than running that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(29) "Uprights" means the vertical members of a shoring system.

(30) "Wales" see subsection (23) of this section.

(31) "Walls" see subsection (21) of this section.) (1)

"Accepted engineering requirements or practices." Those requirements or practices that are compatible with standards required by a registered professional engineer.

(2) "Actual slope." The slope of which an excavation site is excavated.

(3) "Aluminum hydraulic shoring." A preengineered shoring system comprised of aluminum hydraulic cylinders (crossbraces) used with vertical rails (uprights) or horizontal rails (walers). Such system is designed, specifically to support the sidewalls of an excavation and prevent cave-ins.

(4) "Cave-in." The separation of a mass of soil or rock material from the side of an excavation, or loss of soil from under a trench shield or support system, and movement into the excavation in quantity that it could entrap, bury, injure, or immobilize a person.

(5) "Competent person." One who can identify existing or predictable hazards in the surroundings that are unsanitary, hazardous, or dangerous to employees. Also has authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person shall be knowledgeable in the requirements of this part.

(6) "Cross braces." The horizontal members of a shoring system installed perpendicular to the sides of the excavation, the ends bear against either uprights or wales.

(7) "Distress." Soil in a condition where a cave-in is imminent or likely to occur. Distress indications may be fissures, slumping, spalling, ravelling, or small amounts of materials separating from the face. The bottom may bulge or heave and the edge may sink or lower.

(8) "Equipment." Ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, shoring, bracing and any such safeguards. Protective construction and devices used in affording protection to the workers engaged in excavation work.

(9) "Embankment." An artificial or man-made bank of earthen material.

(10) "Excavation." Any man-made cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

(11) "Faces or sides." The vertical or inclined earth surfaces formed because of excavation work.

(12) "Failure." The breakage, displacement, or permanent deformation of a structural member or connection to reduce its structural integrity and its supportive capabilities.

(13) "Kickouts." Accidental release or failure of a shore or brace.

(14) "Maximum allowable slope." The steepest incline of an excavation face that is acceptable for the most favorable site conditions as the ratio of horizontal distance to vertical rise (H:V).

(15) "Moving ground." Any ground, which for any reason, will not remain in its original location.

(16) "Protective system." A method of protecting employees from cave-ins, from material that could fall or roll from an excavation face or into an excavation, or from the collapse of adjacent structures. Protective systems include support systems, sloping systems, shield systems, and other systems that provide the necessary protection.

(17) "Ramp." An inclined walking or working surface used as access from one point to another. They may be constructed from earth or materials such as steel or wood.

(18) "Registered professional engineer." A person that is registered as a professional engineer in the state of Washington. The registered professional engineer shall comply with the Washington state department of licensing requirements, chapter 18.43 RCW.

(19) "Sheeting." The members of a shoring system that retain the earth in position and in turn are supported by other members of the shoring system:

Tight sheeting: The use of specially-edged timber planks (e.g., tongue and groove) at least three inches thick, steel sheet piling, or similar construction that when driven or paced in position provide a tight wall to resist the lateral pressure of water and to prevent the loss of backfill material.

Close sheeting: The placement of planks side-by-side allowing as little space as possible between them.

(20) "Sheet pile." A pile, or sheeting, that may form a continuous interlocking line. A row of timber, concrete, or steel piles, driven in close contact providing a tight wall to resist the lateral pressure of water, adjacent earth, or other material.

(21) "Shield (shield system)." A structure that can withstand the forces imposed on it by a cave-in and thereby protect employees within the structure. Shields can be permanent structures or designed to be portable and moved along as work progresses. Shields can be premanufactured or job-built according to data from the manufacture or designed by a registered professional engineer. Shields used in trenches are usually called "trench boxes" or "trench shields."

(22) "Shoring (shoring system)." A structure such as a metal hydraulic, mechanical, or timber shoring system that supports the sides of an excavation that is designed to prevent cave-ins.

(23) "Sides," "walls," or "faces." The vertical or inclined earth surfaces formed because of excavation work.

(24) "Sloping (sloping system)." A method of protecting employees from cave-ins by excavating to form sides of an excavation that are inclined away from the excavation to prevent cave-ins. The angle of incline required to prevent a cave-in varies with differences in such factors as the soil type, environmental conditions of exposure, and application of surcharge loads.

(25) "Support system." A structure such as underpinning, bracing or shoring, which provides support to an adjacent structure, underground installation, or the sides of an excavation.

(26) "Trench." A narrow excavation made below the surface of the ground. The depth is generally greater than the width, but the width of a trench is not greater than 15 feet.

(27) "Trench jack." Screw or hydraulic type jacks used as cross bracing in a trench shoring system.

(28) "Trench shield" or "trench box." See shield in this section.

(29) "Upright." The vertical members of a trench shoring system placed in contact with the earth and usually positioned so that individual members do not contact each other. Uprights placed so that individual members are closely spaced, in contact with or interconnected to each other, are often called "sheeting."

(30) "Unstable rock." Rock material on the side or sides of the excavation not secured against caving-in or movement by rock bolts or by another protective system that has been designed by a registered professional engineer.

(31) "Unstable soil." Earth material, other than running because of its nature cannot be depended upon to remain in place without extra support that would be furnished by a system of shoring.

(32) "Wales." Horizontal members of a shoring system placed parallel to the excavation face whose sides bear against the vertical members of the shoring system or earth.

#### AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-655 GENERAL PROTECTION REQUIREMENTS. ~~((+)) This part on "excavation work" and "trenching" is intended to provide protection of all employees during all excavation or trenching in connection with all construction work, such as trenches, excavations, underpinning, shoring and bracing, and in connection with the construction of footings, foundations, retaining walls and other construction work below ground level.~~

~~(2)(a) Underground utilities. Prior to opening an excavation or trench, efforts shall be made to determine whether underground installations of utilities will be encountered. If so, the appropriate utility company shall be notified and requested to identify the exact location of the underground installation.~~

~~(i) Proper supports and precautions shall be provided for existing installations.~~

~~(ii) When electric lines are of the direct burial type, a qualified person shall make positive identification of the cable.~~

~~(iii) Mechanical excavating equipment shall maintain a two foot clearance from the direct burial cable.~~

~~(b) Power line clearance. No equipment, motor vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (2)(c).~~

~~(3) Surface encumbrances. Trees, boulders, utility poles, and other surface encumbrances, located so as to create a hazard to employees involved in excavation or trenching work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating or trenching is begun or continued.~~

~~(4) Wall and face guarding. The walls and faces of all excavations or trenches in which employees are exposed to danger from moving ground, falling rocks, sloughing, or sliding earth shall be guarded by:~~

~~(a) A shoring system.~~

~~(b) Sloping of the ground, or some other equivalent means.~~

~~(c) Sloping of the ground or the shoring system shall extend to the bottom of the trench or excavation.~~

~~(5) Trench and excavation protection. Except in solid rock and compact shale, the sides of all trenches and excavations, including embankments, four feet or more in depth shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect employees. (See Tables N-1, N-2, N-3, N-4 and N-5.)~~

~~(6) Protection for trenches less than four feet. Trenches less than four feet in depth shall also be effectively protected when there are indications that hazardous ground movement is possible.~~

~~(7) Inspection. Excavations and trenches shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence. The protection against slides and cave-ins shall be increased if necessary.~~

~~(8) Top person. No person shall be allowed to work in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.~~

~~(9) Slope encumbrances. The surface of the slope of any trench or excavation shall be cleaned of boulders, stumps, or other hard masses of earth in the form of chunks, that could roll or slide into the trench or excavation endangering persons below.~~

~~(10) Evaluation of protection requirements. The determination of the angle of slope or design of the supporting system, or both, shall be based on careful evaluation of pertinent factors such as:~~

~~(a) Depth of cut.~~

~~(b) Possible variation in water content of the material while the trench or excavation is open.~~

~~(c) Anticipated changes in materials from exposure to air, sun, water, or freezing.~~

(d) Loading imposed by structures, equipment, overlying material, or stored material.

(e) Vibration from equipment, blasting, traffic or other sources.

(11) Supporting system requirements. Supporting systems, i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements.

(a) When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of slope.

(b) When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means.

(c) Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports.

(d) Excavation and lagging done in conjunction with soldier piles shall be completed in not more than eight foot lifts.

(12) Required angle of slope.

(a) All slopes shall be excavated to at least the angle illustrated in Tables N-1, N-3, and N-4 for the type of soil encountered, except for solid rock or compact shale which require no sloping under normal conditions.

(b) The angle of slope shall be flattened to the next required category when an excavation or trench is exposed to:

- (i) Excessive water conditions;
- (ii) Silty materials;
- (iii) Loose boulders;
- (iv) Areas where erosion, deep frost action, or slide planes appear.

(13) Storage of excavated material.

(a) In excavations or trenches which employees are required to enter, excavated or other material shall be stored and retained at least two feet or more away from the edge of the excavation or trench.

(b) Barriers or other effective retaining devices may be used to prevent excavated or other material from falling or rolling into the excavation or trench.

(14) Condition of protection materials. Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free of large or loose knots, and of proper dimensions in accordance with Table N-5.

(15) Temporary sheet piling. Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such retaining wall has acquired its full strength.

(16) Surface water control. Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(17) Additional protection for excavations when equipment is nearby. If it is necessary to place or operate power shovels, backhoes, derricks, cranes, trucks, materials, or other heavy objects on a level above and

closer laterally than the depth of the trench or excavation, the sides of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the additional pressure due to such superimposed loads.

(18) Stop logs. When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except that such equipment shall not be required for the equipment doing the actual excavating or backfilling operation.

(19) Physical barrier protection.

(a) Adequate physical barrier protection shall be provided at all remotely located excavations or trenches.

(b) All wells, pits, shafts, etc., shall be barricaded or covered.

(c) Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be completely backfilled.

(20) Dust control. Dust conditions shall be minimized by the use of water, salt, calcium, oil, or other effective means.

(21) Air quality.

(a) In locations where an oxygen deficient atmosphere or gaseous conditions are possible, air in the excavation or trench shall be tested before entering.

(b) Controls as set forth in Part B and C of this chapter, shall be established to assure acceptable atmospheric conditions.

(c) When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated.

(d) Attended emergency rescue equipment, such as breathing apparatus, a safety harness with lifeline, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench.

(i) During such conditions a competent top person shall be in constant attendance.

(ii) It shall be the employer's responsibility to ensure that such top person has been thoroughly trained in emergency rescue procedures and that voice or visual contact shall be maintained with the person in the excavation or trench at all times until the hazardous condition no longer exists.

(22) Walkway and bridge requirements. Where employees or equipment cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided. Such walkways or bridges shall be designed and constructed by qualified persons in accordance with accepted engineering requirements and practices.

(23) Ladders. All ladders used in excavations and trenches shall be in accordance with the requirements of Part J of this chapter.

(24) Backfilling. When excavations or trenches are made in locations adjacent to backfilled excavations or trenches. Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins.

(25) Ledge rock scaling. Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered, or disintegrated rock

shall be removed from sides and face of excavation or trench.

(26) Report weakness in shoring. Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing in excavations or trenches.

(27) Safety equipment inspection. Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition for the duration of the operation.

(28) State and federal safety codes. Federal and state safety codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.

(29) Sidewalk clearance and shoring. Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred twenty-five pounds per square foot.

(30) Plank walkways. If planks are used for raised walkways, runways, or sidewalks:

(a) They shall be laid parallel to the length of the walk and fastened together against displacement.

(b) The planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(c) The planks shall have a safety factor of four times the intended loading.

(31) Raised walkways. Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(32) Personal protection. All employees shall be protected with personal protective equipment for the protection of head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.

(33) Employees exposed to vehicles. Employees exposed to moving vehicles shall wear hard hats and warning vests of high visibility material, reflectorized at night. The requirements of WAC 296-155-300 through 296-155-315 apply.

(34) Protection from overhead hazards. No person shall be permitted under loads handled by power shovels, backhoes, draglines, derricks, hoists, or front end loaders. To avoid injury from spillage, employees, including the driver unless protected adequately by the cab, shall be required to stand away from any vehicle being loaded.

(35) Inspection. Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until precautions have been taken to safeguard the employees.

(36) Excavation and trench exits. When employees are required to be in excavations or trenches four feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than twenty-five feet of lateral travel. An earth ramp is acceptable providing:

(a) The stability of the earth is adequate for good footing.

(b) The total travel distance does not exceed twenty-five feet.

(c) The trench depth does not exceed fifteen feet.

(d) Adequate shoring or equivalent protection is provided for the entire escape route.

(37) Water main safeguards. When existing loop water mains are running laterally within two feet of the excavation or trench wall the valve the greatest distance from the work site shall be closed.

(a) The exact location of the open valve and the valve key shall be given to the workers before they enter the excavation or trench.

(b) The open valve location shall be marked and clear access to the valve maintained.)) (1) Protection systems for use in excavations more than 20 feet in depth shall be designed by a registered professional engineer according to WAC 296-155-66109.

(2) Trench and excavation protection. Except in solid rock, the sides of trenches and excavations, including embankments, 4 feet or more in depth shall be shored, sheeted, braced, sloped, or supported by a means of sufficient strength to protect employees.

(3) Protection for trenches less than 4 feet. Trenches less than 4 feet in depth shall be effectively protected when there are indications that hazardous ground movement is possible.

(4) Storage of excavated material.

(a) In excavations or trenches that employees are required to enter, excavated or other material shall be stored and retained at least 2 feet away from the edge of the excavation or trench.

(b) Barriers or other effective retaining devices may be used to prevent excavated or other material from falling or rolling into the excavation or trench.

(5) Excavation and trench exits. When employees are required to be in excavations or trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located within 25 feet of lateral travel. An earth ramp is acceptable providing all following requirements are met:

(a) The stability of the earth is adequate for good footing; and

(b) The total travel distance does not exceed 25 feet; and

(c) Adequate shoring or equivalent protection is provided for the entire escape route.

(6) When sloping does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of 18 inches to prevent material from sliding or rolling into the trench.

(7) Surface encumbrances. Trees, boulders, utility poles and other surface encumbrances, located to create a hazard to employees involved in excavation or trenching work or in the vicinity during operations, shall be removed or made safe before excavation or trenching is begun or continued.

(8) Installation and removal of support.

(a) Members of support systems shall be securely connected to prevent sliding, falling, kickouts, or other predictable failure.

(b) Support systems shall be installed and removed in a way that protects employees from cave-ins, structural collapses, or from other members of the support system.

(c) Individual members of support systems shall not be subjected to loads exceeding their design.

(d) Before removal of individual members begins, additional pre-cautions shall be taken to ensure the safety of employees installing other structural members to carry the loads imposed on the support system may be required.

(e) Removal shall begin at the bottom of the excavation. Members shall be released slowly, noting any indication of possible failure of the remaining members or possible cave-in.

(f) Backfilling shall progress together with the removal of support systems from excavations.

(9) Physical barrier protection.

(a) Adequate physical barrier protection shall be provided at all remotely located excavations or trenches.

(b) All wells, pits, shafts, etc., shall be barricaded or covered.

(c) Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be completely backfilled.

(10) Inspections.

(a) Daily inspections of excavations, adjacent areas, and protective systems shall be made by a competent person for a situation that could result in cave-ins, failure of protective systems, or other hazardous conditions. An inspection shall be conducted by the competent person before the start of work and as needed throughout the shift. Inspections shall be made after every rainstorm or other hazard increasing occurrence.

(b) When the competent person finds evidence of a situation that could result in a possible cave-in, failure of protective systems or other hazardous conditions, exposed employees shall be removed from the area until the necessary precautions have been taken.

(11) Manufactured materials and equipment used for protective systems shall be used and maintained consistent with the manufacturer's recommendations.

(12) Stability of adjacent structures.

(a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems shall be provided to ensure their stability.

(b) Excavation below the level of the bases or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted unless:

(i) A support system is provided to ensure the safety of employees and the stability of the structure; or

(ii) The excavation is in stable rock; or

(iii) A registered professional engineer has determined the structure is sufficiently removed from the excavation and unaffected by the excavation; or

(iv) A registered professional engineer has determined such excavation work will not pose a hazard to employees.

(c) Sidewalks, pavements, and other structures shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse.

(13) Underground utilities. Before opening an excavation or trench, underground utilities such as sewer, telephone, fuel, electric, water line, or other installations shall be located. The appropriate utility company shall be notified and requested to identify the exact location of the underground installation.

(a) Proper supports and precautions shall be provided for existing utility installations.

(b) When electric lines are of the direct burial type, a qualified person shall make positive identification of the cable.

(c) Mechanical excavating equipment shall maintain a 2 foot clearance from the direct burial cable.

(14) When excavation operations approach the location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(15) While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees.

(16) Water main safeguards. When existing loop water mains are running laterally within two feet of the excavation or trench wall, the valve the greatest distance from the work site shall be closed.

(a) The exact location of the open valve and the valve key shall be given to the workers before they enter the excavation or trenches.

(b) The open valve location shall be marked and clear access to the valve maintained.

(17) Protection from hazards associated with water accumulation. Employees shall not work in excavations when water is accumulating unless adequate precautions have been taken to protect employees against the hazards of water accumulation. Precautions necessary to protect employees adequately vary with each situation, but could include special support, shield systems to protect from cave-ins, or water removal to control the water level.

(18) Surface water control. Diversion ditches, dikes, adequate drainage, or other suitable means shall be used next to the excavation or trench to prevent surface water from entering.

(19) Ramps and runways.

(a) Ramps or runways used for vehicles shall be of a width of not less than four feet wider than the vehicle used and shall be provided with:

(i) Timber guards no less than 8 inches by 8 inches placed parallel to and secured to the sides of the runway or ramp; or

(ii) Berms on earthen ramps; or

(iii) Other equivalent protection.

(b) All ramps and runways shall receive daily inspection, and shall be maintained in a safe and serviceable condition.

(c) Workers shall stay off ramps and runways when vehicles are passing over them.

(d) All ruts and holes shall be filled in, humps leveled off, and the runway or ramp made smooth.

(20) Walkway and bridge requirements. Where employees or equipment cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided. Such walkways or bridges shall be designed and constructed by competent persons according to accepted engineering requirements and practices.

(21) Employees next to excavations, and not directly involved in the excavation work, shall be protected by standard guardrails or equivalent means to prevent their falling.

(22) Top person. No person shall be allowed to work in a trench over 4 feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.

(23) Signalperson. Signalpersons shall be used to direct equipment when backfilling when the operator does not have a clear view of the excavation.

(24) Stop logs. When mobile equipment is used or allowed next to excavations or trenches, stop logs, or barricades shall be installed. Such devices shall not be required for equipment doing the actual excavating or backfilling operation.

(25) Dust control. Dust conditions shall be minimized by using water, or other effective means.

#### NEW SECTION

WAC 296-155-657 SLOPING SYSTEMS. (1) Scope and application. This section contains specifications for sloping used as a method of protecting employees working in excavations from cave-ins.

(2) Soil and rock deposits shall be classified according to WAC 296-155-664, Appendix A.

(3) Design of sloping systems. Slopes and configurations shall be selected and constructed by the employer or his designee and shall be according to the requirements of this section.

(4) Maximum allowable slope. The maximum allowable slope for soil or rock deposit shall be determined from Table 1.

(5) Actual slope.

(a) The actual slope shall not be steeper than the maximum allowable slope.

(b) The actual slope shall be less steep than the maximum allowable slope when there are signs of distress. If that situation occurs, the slope shall be cut back to an actual slope that is at least 1/2 horizontal to 1 vertical (1/2H:1V) less steep than the maximum allowable slope.

(c) When surcharge loads from stored material, equipment or traffic is present, a competent person shall determine the degree the actual slope must be reduced below the maximum allowable slope, and shall assure the reduction is achieved.

(6) Configurations. Configurations of sloping systems shall be according to Figures A-1 through D-6.

(7) Sloping systems. Employees shall not work on the faces of sloped excavations at levels above other employees unless employees at the lower levels are protected from the hazard of falling, rolling, sliding material, or equipment.

**TABLE 1 /  
MAXIMUM ALLOWABLE SLOPES**

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) <sup>(1)</sup> FOR EXCAVATIONS LESS THAN 20 FEET DEEP <sup>(2)</sup>
STABLE ROCK TYPE A TYPE B TYPE C	VERTICAL (90°) 3/4:1 (53°) 1:1 (45°) 1 1/2:1 (34°)

**NOTES:**

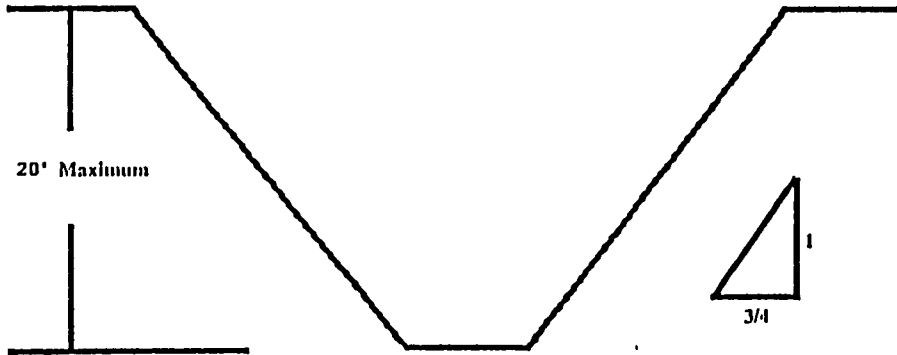
- [1] Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.
- [2] Sloping for excavations greater than 20 feet deep shall be designed by a registered professional engineer.



**Figure A-1**

Slope Configuration for Type A Soil

(All Slopes stated below are in the horizontal to vertical ratio)

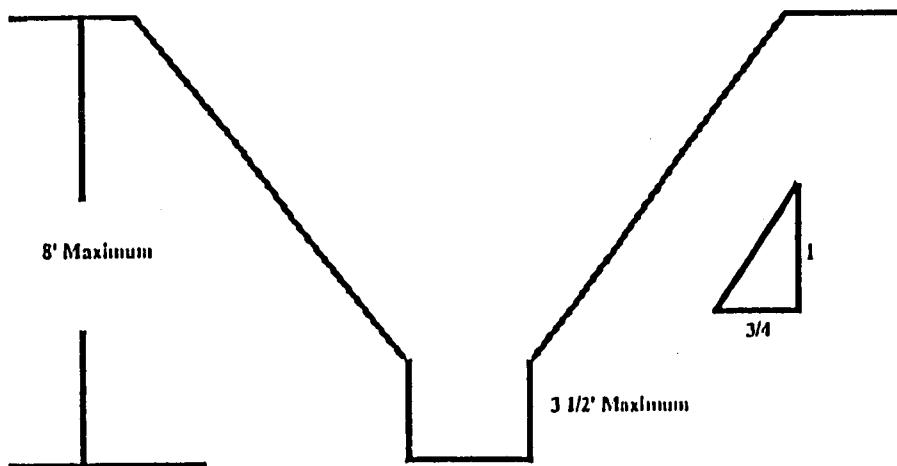


**Simple Slope - General**

1. Simple slope excavation 20 feet or less in depth shall have a maximum allowable slope of 3/4:1

**Figure A-2**

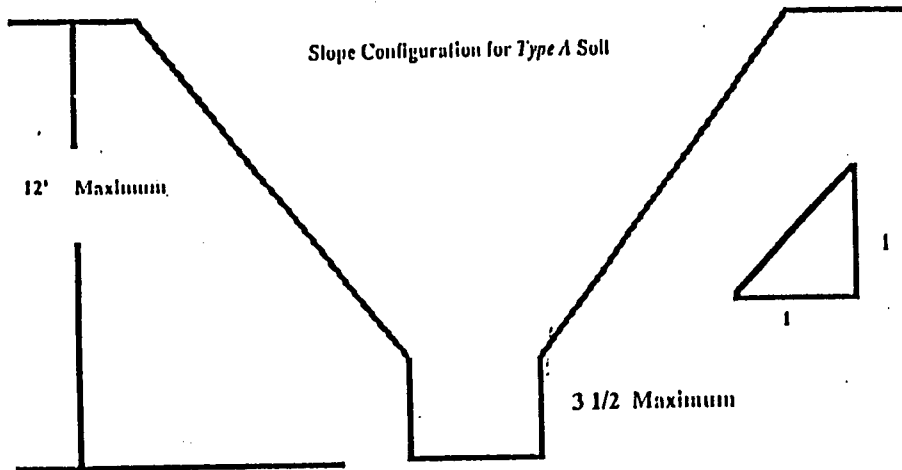
Slope Configuration for Type A Soil



**Unsupported Vertically Sided Lower Portion -- Maximum 8 Feet in Depth**

4. All excavations 8 feet or less in depth which have unsupported vertically sided lower portions shall have a maximum vertical side of 3 1/2 feet.

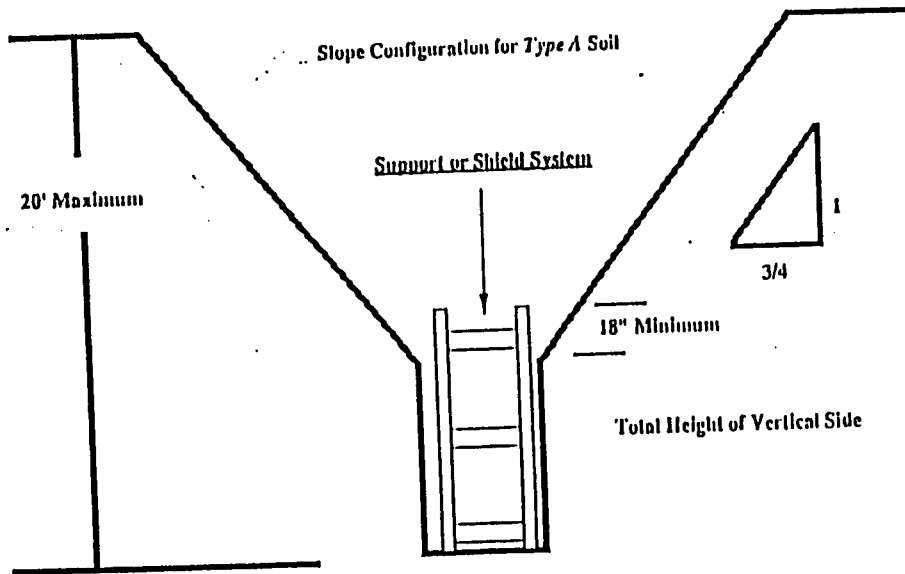
Figure A-3



Unsupported Vertically Sided Lower Portion--Maximum 12 Feet in Depth

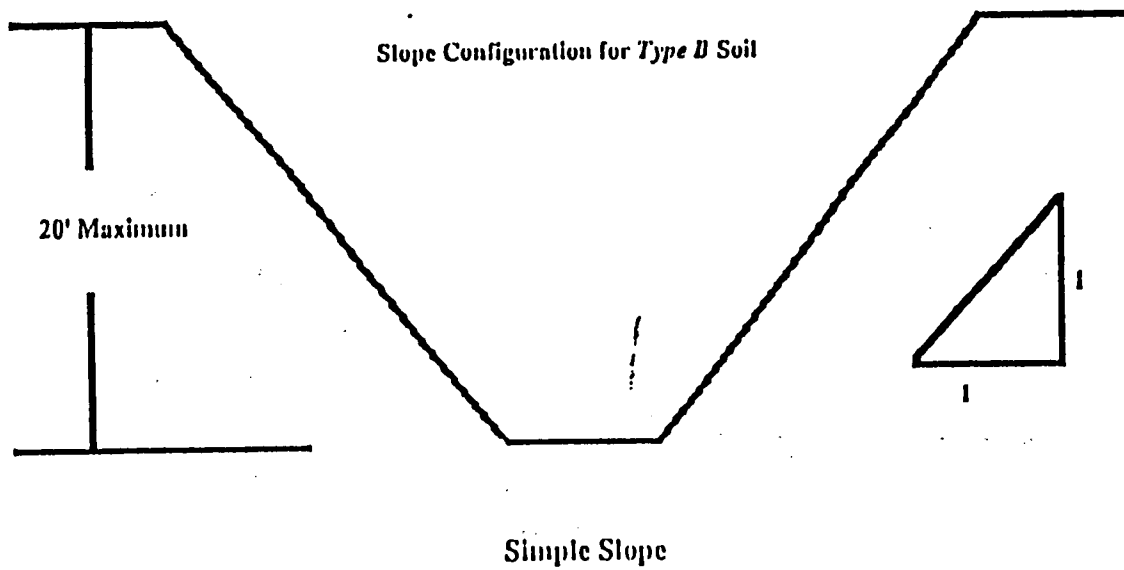
5. All excavations more than 8 feet but not more than 12 feet in depth with unsupported vertically sided lower portions shall have a maximum allowable slope of 1:1 and a maximum vertical side of 3 1/2 feet.

Figure A-4



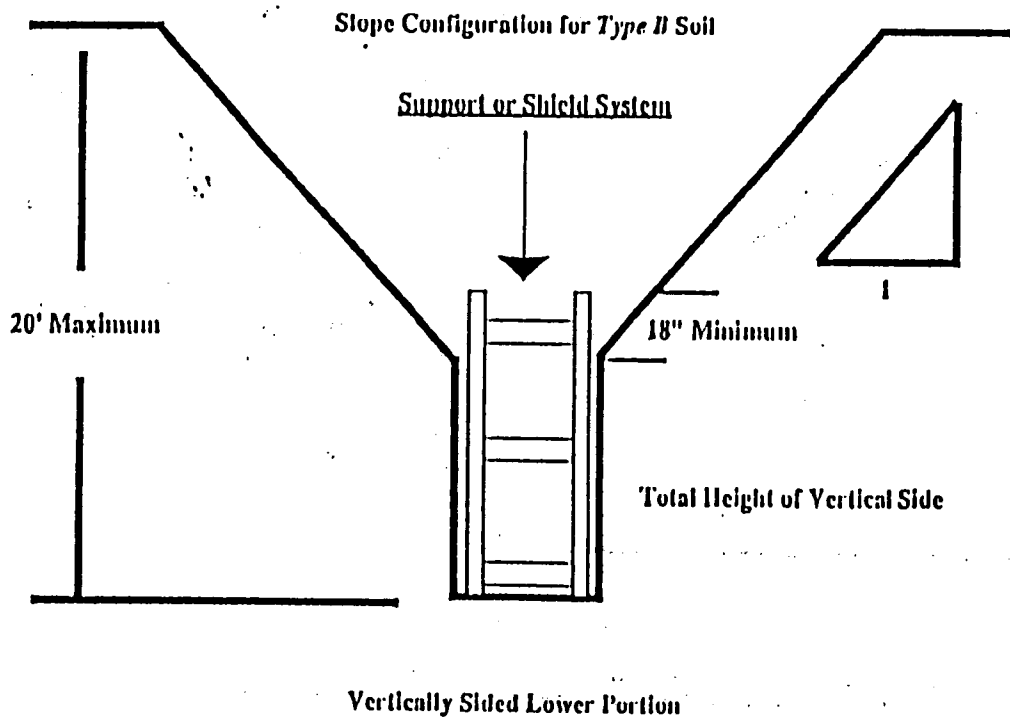
Excavations 20 feet or less in depth which have vertically sided lower portions that are supported or shielded shall have a maximum allowable slope of 3/4:1. The support or shield system must extend at least 18 inches above the top of the vertical side.

**Figure B-1**



- I. All simple slope excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1.

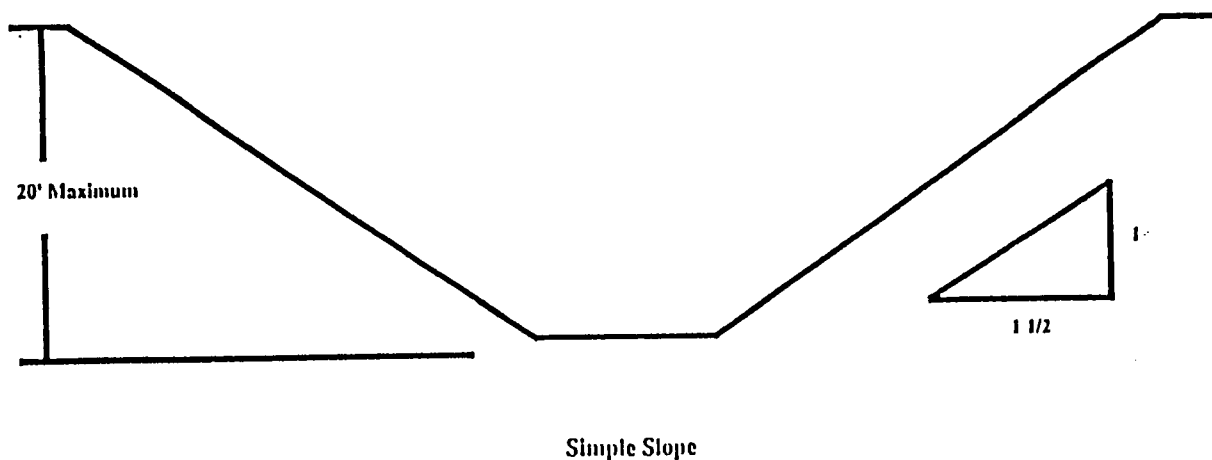
**Figure B-2**



Excavations 20 feet or less in depth which have vertically sided lower portions shall be shielded or supported to a height at least 18 inches above the top of the vertical side. All such excavations shall have a maximum allowable slope of 1:1.

Figure C-1

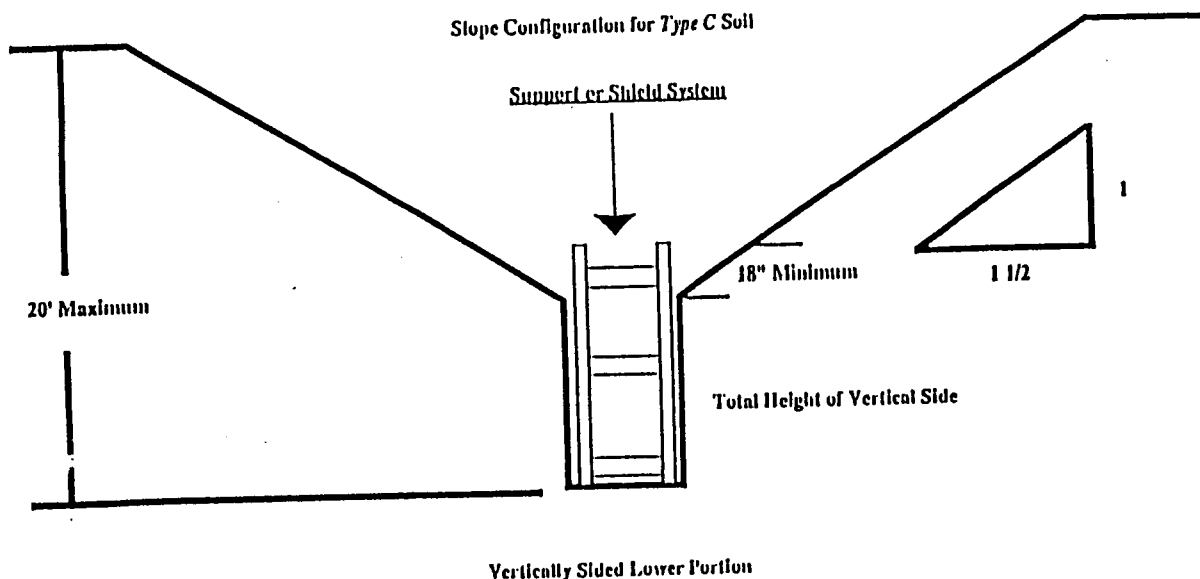
Slope Configuration for Type C Soil



1. Simple slope excavations 20 feet or less in depth shall have a maximum allowable slope of 1 1/2:1.

Figure C-2

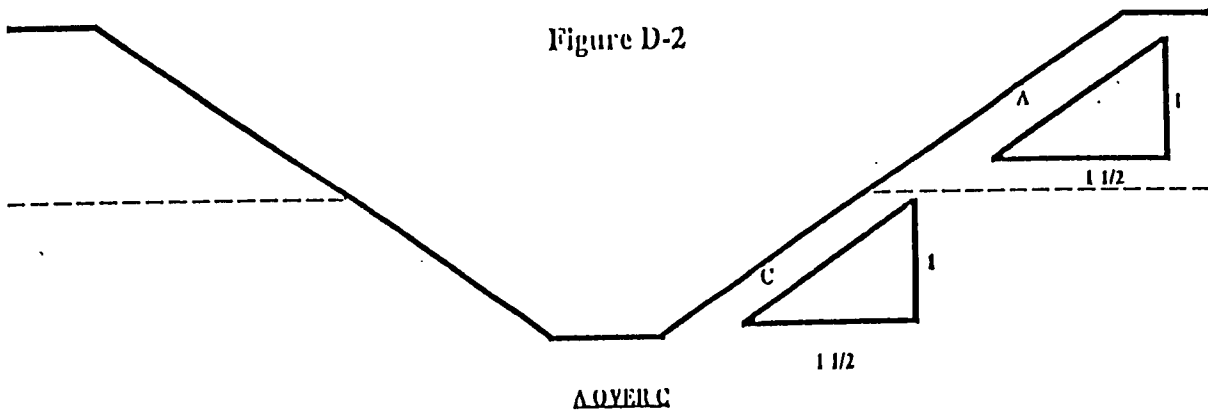
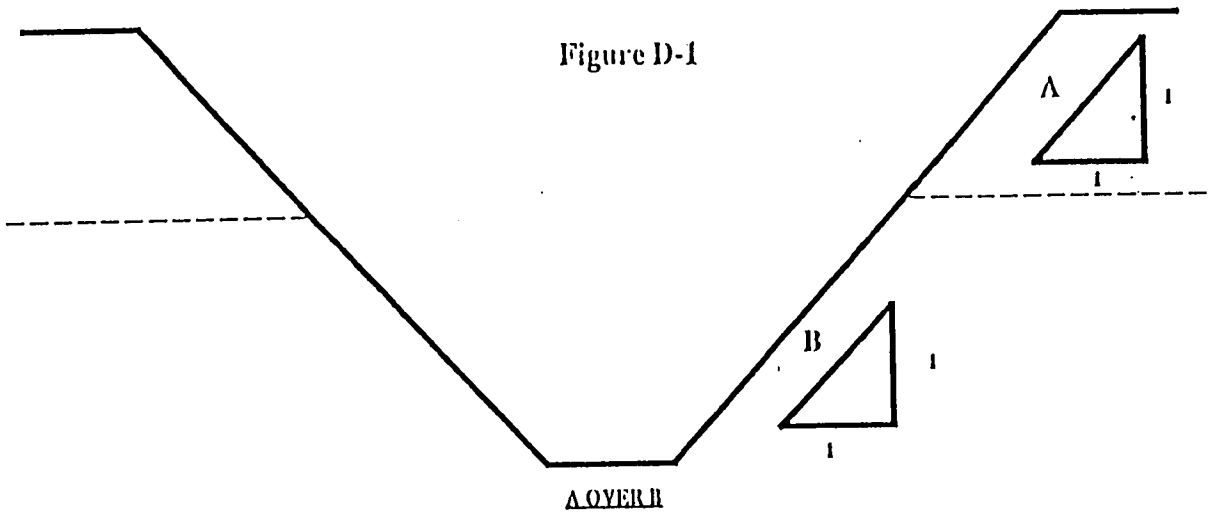
Slope Configuration for Type C Soil



2. Excavations 20 feet or less in depth which have vertically slided lower portions shall be shielded or supported to a height at least 18 inches above the top of the vertical side. All such excavations shall have a maximum allowable slope of 1 1/2:1.

EXCAVATIONS MADE IN LAYERED SOILS

Excavations 20 feet or less in depth made in layered soils shall have a maximum allowable slope for each layer as set forth below:



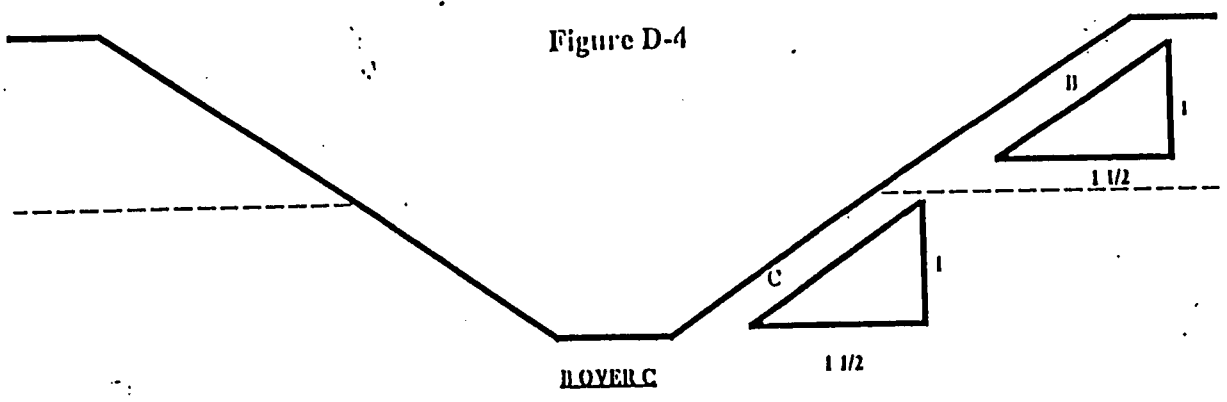
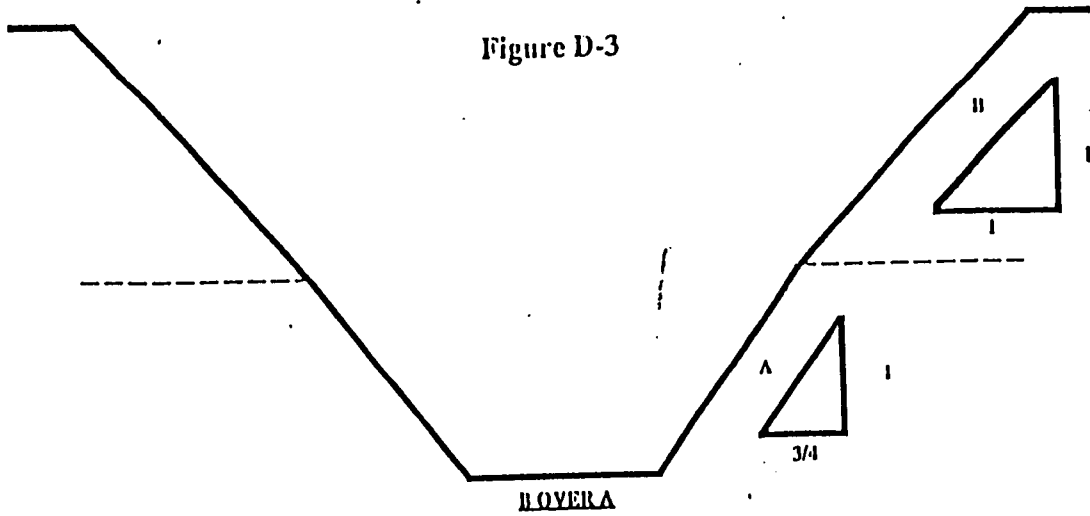


Figure D-5

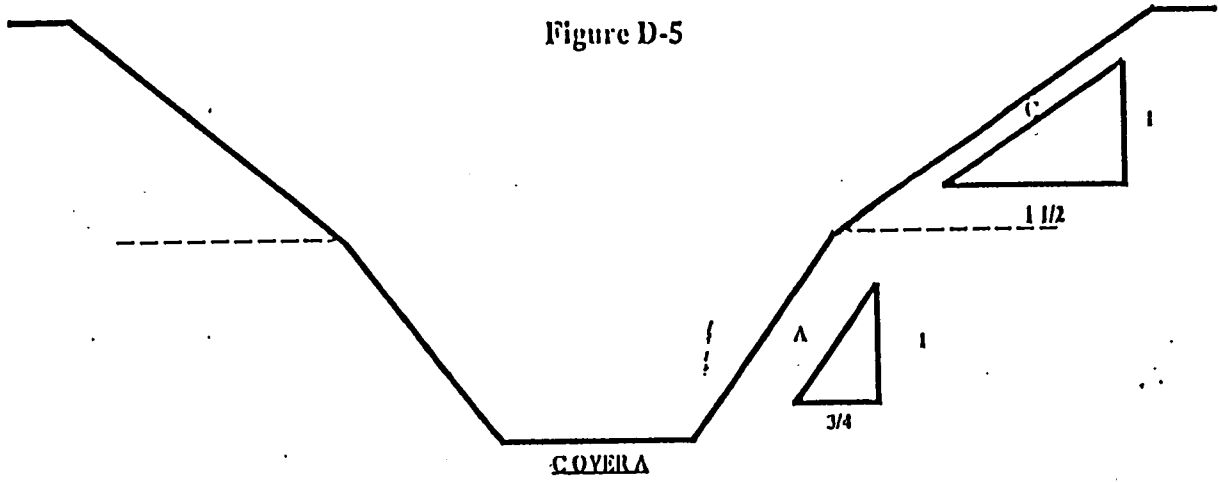
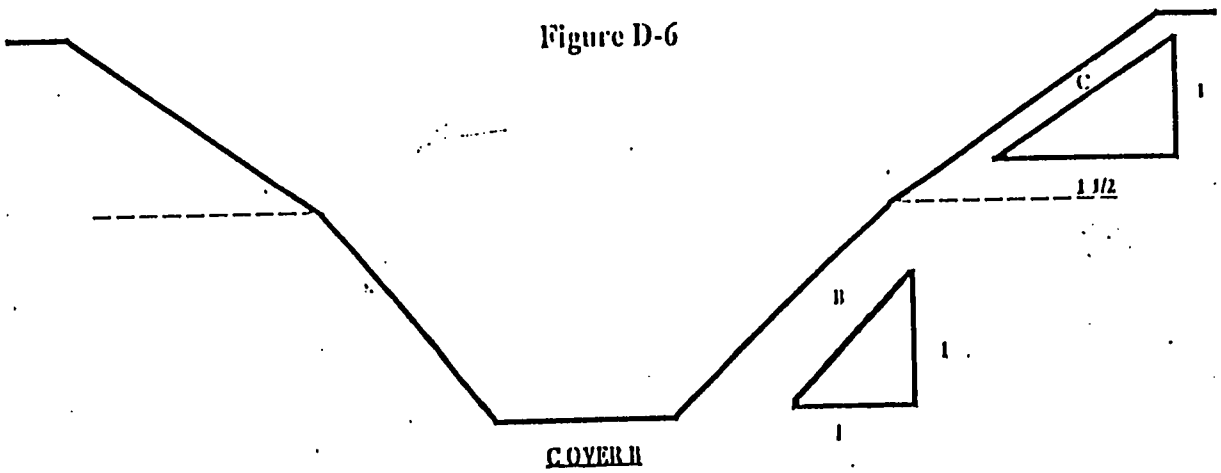


Figure D-6



NEW SECTION

WAC 296-155-66103 **TIMBER SHORING FOR TRENCHES.** (1) Scope and application. This section shall be used when designing a timber shoring protective system. Shoring systems for use in situations that are not covered by this section shall be designed as specified in other sections of this part.

(2) Soil and rock deposits shall be classified according to WAC 296-166-664, Appendix A.

(3) Design of support systems. Support systems, shield systems, and other protective systems shall be selected and constructed by the employer or his designee.

(4) The support system shall extend to the bottom of the trench or excavation. The system shall be designed to resist the forces calculated for the full depth of the trench.

(5) Installation of a support system shall be closely coordinated with the excavation of trenches.

(6) When voids form in the sides or face of the trench, after placement of shoring or bracing, they shall be promptly filled with compacted material and blocking. Voids are filled to uniformly distribute the load onto the shoring or bracing.

(7) When any of the following conditions are present, the members specified in the tables are not considered adequate. Either an alternate timber shoring system must be designed or another type of protective system designed in accordance with WAC 296-155-66109.

(a) When loads imposed by structures or by stored material adjacent to the trench weigh in excess of the load imposed by a two-foot soil surcharge. (The term "adjacent" as used here means the area within a horizontal distance from the edge of the trench equal to the depth of the trench.)

(b) When vertical loads imposed on crossbraces exceed a 240-pound gravity load distributed on a one-foot section of the center of the crossbrace.

(c) When surcharge loads are present from equipment weighing more than 20,000 pounds.

(d) When only the lower portion of a trench is shored and the upper portion of the trench is sloped unless:

(i) The sloped portion shall be at an angle of at least 3 horizontal to 1 vertical; or

(ii) The shoring members shall be selected from the tables for the total depth of the trench.

(8) Protective systems.

(a) The timber trench shoring system used in trenches or excavations shall be according to tables 1 through 3.

(b) When conditions are saturated or submerged tight sheeting shall be used.

(c) All spacing shall be measured center to center.

(d) Wales shall be installed with greater dimension horizontal.

(e) Trench jacks may be used instead of, or in combination with timber crossbraces.

(f) Placement of crossbraces. When the vertical spacing of crossbraces is 4 feet, place the top crossbrace no more than 2 feet below the top of the trench. When the vertical spacing of crossbraces is 5 feet, place the top crossbrace no more than 2.5 feet below the top of the trench.

(9) Plywood used shall be 1.125 inch thick softwood or 0.75 inch thick, 14 ply, arctic white birch (Finland form). Plywood is not intended as a structural member, but only for preservation of local raveling (sloughing of the trench face) between shores.



**TABLE I**  
**TIMBER TRENCH SHORING -- MINIMUM TIMBER REQUIREMENTS\***

SOIL TYPE A       $P_a = 25 \times H + 72$  psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	NOMINAL SIZE AND SPACING OF MEMBERS**													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		WIDTH OF TRENCH (FEET)						SIZE (IN)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
		Up To 4	Up To 6	Up To 9	Up To 12	Up To 15				CLOSE	4	5	6	8
4	Up To 6	4X4	4X4	4X4	4X4	4X6	4	Not Required	Not Required				4X6	
	Up To 8	4X4	4X4	4X4	4X6	4X6	4	Not Required	Not Required					4X8
10	Up To 10	4X6	4X6	4X6	6X6	6X6	4	8X8	4			4X6		
	Up To 12	4X6	4X6	4X6	6X6	6X6	4	8X8	4				4X6	
10	Up To 6	4X4	4X4	4X4	6X6	6X6	4	Not Required	Not Required				4X10	
	Up To 8	4X6	4X6	4X6	6X6	6X6	4	6X8	4		4X6			
15	Up To 10	6X6	6X6	6X6	6X6	6X6	4	8X8	4			4X8		
	Up To 12	6X6	6X6	6X6	6X6	6X6	4	8X10	4		4X6		4X10	
15	Up To 6	6X6	6X6	6X6	6X6	6X6	4	6X8	4	3X6				
	Up To 8	6X6	6X6	6X6	6X6	6X6	4	8X8	4	3X6	4X12			
20	Up To 10	6X6	6X6	6X6	6X6	6X8	4	8X10	4	3X6				
	Up To 12	6X6	6X6	6X6	6X8	6X8	4	8X12	4	3X6	4X12			
OVER 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)													

\* Douglas Fir or Equivalent with a Bending Strength not less than 1500 psi.  
\*\* Manufactured Members of Equivalent Strength may be Substituted for Wood.

**TABLE 2**  
**TIMBER TRENCH SHORING -- MINIMUM TIMBER REQUIREMENTS\***

SOIL TYPE B  $P_a = 45 \times H + 72$  psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	NOMINAL SIZE AND SPACING OF MEMBERS**													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		WIDTH OF TRENCH (FEET)						SIZE (IN)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
		Up To 4	Up To 6	Up To 9	Up To 12	Up To 15				CLOSE	2	3	4	6
4 TO 10	Up to 6	4X6	4X6	4X6	6X6	6X6	5	6X8	5			3X12 4X8		4X12
	Up to 8	4X6	4X6	6X6	6X6	6X6	5	8X8	5		3X8		4X8	
	Up to 10	4X6	4X6	6X6	6X6	6X8	5	8X10	5			4X8		
	See Note 1													
10 TO 15	Up to 6	6X6	6X6	6X6	6X8	6X8	5	8X8	5	3X6	4X10			
	Up to 8	6X8	6X8	6X8	8X8	8X8	5	10X10	5	3X6	4X10			
	Up to 10	6X8	6X8	8X8	8X8	8X8	5	10X12	5	3X6	4X10			
	See Note 1													
15 TO 20	Up to 6	6X8	6X8	6X8	6X8	8X8	5	8X10	5	4X6				
	Up to 8	6X8	6X8	6X8	8X8	8X8	5	10X12	5	4X6				
	Up to 10	8X8	8X8	8X8	8X8	8X8	5	12X12	5	4X6				
	See Note 1													
OVER 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)													

\* Douglas Fir or Equivalent with a Bending Strength not less than 1500 psi.  
\*\* Manufactured Members of Equivalent Strength may be Substituted for Wood.

**TABLE 3**  
**TIMBER TRENCH SHORING -- MINIMUM TIMBER REQUIREMENTS\***

SOIL TYPE C       $P_a = 80 X H + 72$  psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	NOMINAL SIZE AND SPACING OF MEMBERS**													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		WIDTH OF TRENCH (FEET)						SIZE (IN)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
		Up To 4	Up To 6	Up To 9	Up To 12	Up To 15				CLOSE	2	3		
4 TO 10	Up To 6	6 X 6	6 X 6	6 X 6	6 X 6	8 X 8	5	8 X 8	5	3 X 6				
	Up To 8	6 X 6	6 X 6	6 X 6	8 X 8	8 X 8	5	10 X 10	5	3 X 6				
	Up To 10	6 X 6	6 X 6	8 X 8	8 X 8	8 X 8	5	10 X 12	5	3 X 6				
10 TO 15	See Note 1													
	Up To 6	8 X 8	8 X 8	8 X 8	8 X 8	8 X 8	5	10 X 10	5	4 X 6				
	Up To 8	8 X 8	8 X 8	8 X 8	8 X 8	8 X 8	5	12 X 12	5	4 X 6				
15 TO 20	See Note 1													
	Up To 6	8 X 8	8 X 8	8 X 8	8 X 10	8 X 10	5	10 X 12	5	4 X 6				
	See Note 1													
OVER 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)													

\* Douglas Fir or Equivalent with a Bending Strength not less than 1500 psi.  
\*\* Manufactured Members of Equivalent Strength may be Substituted for Wood.

NEW SECTION

WAC 296-155-66105 ALUMINUM HYDRAULIC SHORING FOR TRENCHES. (1) Scope. This section shall be used for the design of an aluminum hydraulic protective system when the trench does not exceed 20 feet in depth.

(2) Soil and rock deposits shall be classified according to WAC 296-155-664 Appendix A.

(3) Tables D-1 through D-4 shall be used for an aluminum hydraulic shoring system.

(a) All spacing indicated shall be measured center to center.

(b) Vertical shoring rails shall have a minimum section modulus of 0.40 inch.

(c) When vertical shores are used, there must be a minimum of 3 shores spaced equally, horizontally, in a group.

(d) Plywood shall be 1.125 inch thick softwood or 0.75 inch thick, 14 ply, arctic white birch (Finland form). Plywood is not intended as a structural member, only for prevention of local raveling (sloughing of the trench face) between shores.

(4) When any of the following conditions are present, the members specified in the tables are not considered adequate. Here the aluminum hydraulic shoring system or other type of protective system shall be designed using manufacturer's data or designed according to WAC 296-155-66109.

(a) When vertical loads imposed on crossbraces exceed a 100-pound gravity load distributed on a one-foot section of the center of the hydraulic cylinder.

(b) When surcharge loads are present from equipment weighing more than 20,000 pounds.

(c) When only the lower portion of a trench is shored and the upper portion of the trench is sloped:

(i) The sloped portion shall be at an angle of at least 3 horizontal to 1 vertical; or

(ii) The shoring members shall be selected from the tables for the total depth of the trench.

(5) Hydraulic cylinders capacities.

(a) Two-inch cylinders shall be a minimum 2-inch inside diameter with a safe working capacity of not less than 18,000 pounds axial compressive load at maximum extension. Maximum extension is to include full range of cylinder extensions as recommended by product manufacturer.

(b) Three-inch cylinders shall be a minimum 3-inch inside diameter with a safe work capacity of not less than 30,000 pounds axial compressive load at maximum extension. Maximum extension is to include full range of cylinder extensions as recommended by product manufacturer.

(6) Shield systems.

(a) Shield systems shall be designed by a registered professional engineer.

(b) Shield systems shall be designed to resist the forces calculated for the full depth of the trench.

(c) Plans and calculations prepared by the registered professional engineer shall be made available at the work site to the director or authorized representative.

(d) The employer shall establish a permanent means of identifying the shield system.

(e) Shield systems shall not be subjected to loads exceeding those the system is designed to withstand.

(f) Shields shall be installed to restrict lateral or other hazardous movements if sudden lateral loads are applied.

(g) Employees shall be protected from the hazard of cave-ins when entering or exiting the areas protected by shields.

(h) Employees shall not be allowed in shields when shields are being installed, removed, or moved vertically.

(i) Shields shall extend to the bottom of the trench.

**TABLE D - 1  
ALUMINUM HYDRAULIC SHORING  
VERTICAL SHORES  
FOR SOIL TYPE A**

Depth of Trench (Feet)	Maximum Horizontal Spacing (Feet)	Maximum Vertical Spacing (Feet)	Hydraulic Cylinders		
			Width of Trench (Feet)		
			Up to 8	Over 8 Up to 12	Over 12 Up to 15
Over 4 Up to 10	8	4	2 INCH DIAMETER	2 INCH DIAMETER See NOTE (1)	3 INCH DIAMETER
Over 10 Up to 15	8				
Over 15 Up to 20	7				
Over 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)				

NOTE (1): 2 Inch diameter cylinders, at this width, shall have structural steel tube (3.5 X 3.5 X 0.1875) oversleeves, or structural oversleeves of manufacturer's specification, extending the full, collapsed length.

**TABLE D-2  
ALUMINUM HYDRAULIC SHORING  
VERTICAL SHORES  
FOR SOIL TYPE B**

Depth of Trench (Feet)	Maximum Horizontal Spacing (Feet)	Maximum Vertical Spacing (Feet)	Hydraulic Cylinders		
			Width of Trench (Feet)		
			Up to 8	Over 8 Up to 12	Over 12 Up to 15
Over 4 Up to 10	8	4	2 INCH DIAMETER	2 INCH DIAMETER See NOTE (1)	3 INCH DIAMETER
Over 10 Up to 15	6.5				
Over 15 Up to 20	5.5				
Over 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)				

NOTE (1): 2 inch diameter cylinders, at this width, shall have structural steel tube (3.5 X 3.5 X 0.1875) oversleeves, or structural oversleeves of manufacturer's specification, extending the full, collapsed length.

**TABLE D-3  
ALUMINUM HYDRAULIC SHORING  
WALER SYSTEMS  
FOR SOIL TYPE B**

Depth of Trench (Feet)	Wales		Hydraulic Cylinders						Timber Uprights		
	Vertical Spacing (Feet)	Section* Modulus (In <sup>4</sup> )	Width of Trench (Feet)						Max. Horizontal Spacing (in Center)		
			Up to 8		Over 8 - Up to 12		Over 12 - Up to 15		Solid Sheet	2 Feet	3 Feet
			Horiz. Spacing	Cylinder Diameter	Horiz. Spacing	Cylinder Diameter	Horiz. Spacing	Cylinder Diameter			
Over 4 Up to 10	4	3.5	8.0	2 IN	8.0	2 IN <small>See Note (1)</small>	8.0	3 IN			
		7.0	9.0	2 IN	9.0	2 IN <small>See Note (1)</small>	9.0	3 IN			
		14.0	12.0	3 IN	12.0	3 IN	12.0	3 IN			
Over 10 Up to 15	4	3.5	6.0	2 IN	6.0	2 IN <small>See Note (1)</small>	6.0	3 IN	—	3 X 12	—
		7.0	8.0	3 IN	8.0	3 IN	8.0	3 IN			
		14.0	10.0	3 IN	10.0	3 IN	10.0	3 IN			
Over 15 Up to 20	4	3.5	5.5	2 IN	5.5	2 IN <small>See Note (1)</small>	5.5	3 IN	3 X 12	—	—
		7.0	6.0	3 IN	6.0	3 IN	6.0	3 IN			
		14.0	9.0	3 IN	9.0	3 IN	9.0	3 IN			
Over 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)										

NOTE (1): 2 inch diameter cylinders, at this width, shall have structural steel tube (3.5 X 3.5 X 0.1875) oversleeves, or structural oversleeves of manufacturer's specification, extending the full, collapsed length.

\*Consult product manufacturer and/or qualified engineer for Section Modulus of available wales.

TABLE D-4  
ALUMINUM HYDRAULIC SHORING  
WALER SYSTEMS  
FOR SOIL, TYPE C

Depth of Trench (Feet)	Wales		Hydraulic Cylinders						Timber Uprights		
	Vertical Spacing (Feet)	Section* Modulus (in <sup>4</sup> )	Width of Trench (Feet)						Max. Horizontal Spacing (in Feet)		
			Up to 8		Over 8 - Up to 12		Over 12 - Up to 15		Solid Sheet	2 Feet	3 Feet
Wale Spacing	Cylinder Diameter	Wale Spacing	Cylinder Diameter	Wale Spacing	Cylinder Diameter	Wale Spacing	Cylinder Diameter				
Over 4 Up to 10	4	3.5	6.0	2 IN	6.0	2 IN	6.0	3 IN	3 X 12	—	—
		7.0	6.5	2 IN	6.5	2 IN	6.5	3 IN			
		14.0	10.0	3 IN	10.0	3 IN	10.0	3 IN			
Over 10 Up to 15	4	3.5	4.0	2 IN	4.0	2 IN	4.0	3 IN	3 X 12	—	—
		7.0	5.5	3 IN	5.5	3 IN	5.5	3 IN			
		14.0	8.0	3 IN	8.0	3 IN	8.0	3 IN			
Over 15 Up to 20	4	3.5	3.5	2 IN	3.5	2 IN	3.5	3 IN	3 X 12	—	—
		7.0	5.0	3 IN	5.0	3 IN	5.0	3 IN			
		14.0	6.0	3 IN	6.0	3 IN	6.0	3 IN			
Over 20	Protective systems for trenches over 20 feet shall be designed by a registered professional engineer. See WAC 296-155-655(1)										

NOTE (1): 2 inch diameter cylinders, at this width, shall have structural steel tube (3.5 X 3.5 X 0.1875) oversleeves, or structural oversleeves of manufacturer's specification, extending the full, collapsed length.

\* Consult product manufacturer and/or qualified engineer for Section Modulus of available wales.



**NEW SECTION****WAC 296-155-66109 APPROVAL OR DESIGN BY A REGISTERED PROFESSIONAL ENGINEER.**

(1) Sloping systems, support systems, shield systems, or other protective systems not meeting the requirements of this part shall be approved by a registered professional engineer. Approval or designs shall be in written form and shall include the following:

(a) The magnitude of the slopes that were determined to be safe for the particular project and the configurations that were determined to be safe for the project; or a plan indicating the sizes, types, and configurations of the materials to be used in the protective system.

(b) The identity of the registered professional engineer approving the design.

(c) A copy of the approval or design shall be maintained at the work site and made available to the director or the authorized representative of the director upon request.

(2) Excavations not meeting the requirements of this part which are approved by a registered professional engineer shall be monitored as follows:

(a) The registered professional engineer shall inspect the work site at the beginning of each shift, after any change in weather conditions, and after any change in the circumstances of adjacent property.

(b) The registered professional engineer shall make a written report of each inspection, the report shall be kept on file at the work site, and the report shall be made available to the director or the authorized representative of the director upon request.

(c) All recommendations of the registered professional engineer regarding the excavation and soil conditions shall be followed.

**NEW SECTION**

**WAC 296-155-664 APPENDIX A—SOIL CLASSIFICATION.** (1) Scope and application—Scope. This appendix describes a method of classifying soil and rock deposits based on site and environmental conditions, and on the structure and composition of the earth deposits. The appendix contains definitions, sets forth requirements, and describes acceptable visual and manual tests for use in classifying soils.

(2) This appendix applies when constructing or using a protective system according to the requirements set forth in this part.

(3) Definitions. The definitions and examples below are based on the American Society for Testing Materials (ASTM) Standards D653-85 and D2488: The Unified Soils Classification System, U.S. Department of Agriculture (USDA) Textural Classification Scheme, and The National Bureau of Standards Report BSS-121.

(a) Cemented soil. A soil where the particles are held together by a chemical agent, such as calcium carbonate. A hand-size sample cannot be crushed into powder or individual soil particles by finger pressure.

(b) Cohesive soil. Dry clay (fine grained soil), or soil with a high clay content, which has cohesive strength. Cohesive soil does not crumble, can be excavated with

vertical sideslopes, and is plastic when moist. Cohesive soil is hard to break up when dry, and exhibits significant cohesion when submerged. Cohesive soils include clayey silt, sandy clay, clay and organic clay.

(c) Dry soil. Soil that does not exhibit visible signs of moisture content.

(d) Fissured. A soil material that tends to break along definite planes of fracture with little resistance, or a material that exhibits open cracks, such as tension cracks, in an exposed surface.

(e) Granular soil. Gravel, sand, or silt, (coarse grained soil) with little or no clay content. Granular soil lacks no cohesive strength. Some moist granular soils exhibit apparent cohesion. Granular soil cannot be molded when moist and crumbles easily when dry.

(f) Layered system. Two or more distinctly different soil or rock types arranged in layers. Micaceous seams or weakened planes in rock or shale are considered layered.

(g) Moist soil. A condition in which a soil looks and feels damp. Moist cohesive soil can easily be shaped into a ball and rolled into small diameter threads before crumbling. Moist granular soil that contains some cohesive material will exhibit signs of cohesion between particles.

(h) Plastic. A property of a soil that allows the soil to be deformed or molded without cracking, or appreciable volume change.

(i) Saturated soil. A soil in which the voids are filled with water. Saturation does not require flow. Saturation, or near saturation, is necessary for the proper use of instruments such as a pocket penetrometer or shear vane.

(j) Soil classification system. This section categorizes rock and soil into stable rock, type A, B, and C soils, in decreasing order of stability. Categories are based on properties analysis, performance characteristics, and environmental conditions.

(k) Stable rock. Natural solid mineral matter that can be excavated with vertical sides and remain intact while exposed.

(l) Submerged soil. Soil which is underwater or is free seeping.

(m) Type A. Cohesive soils with an unconfined compressive strength of 1.5 ton per square foot (tfs) or greater. Examples of cohesive soils are clay, silty clay, sandy clay, clay loam and, sometimes, silty clay loam and sandy clay loam. Cemented soils such as caliche and hardpan are also considered Type A. No soil is Type A if:

(i) The soil is fissured; or

(ii) The soil is subject to vibration from heavy traffic, pile driving, or similar effects; or

(iii) The soil has been previously disturbed; or

(iv) The soil is part of a sloped, layered system where the layers dip into the excavation on a slope of 4 horizontal to 1 vertical (4H:1V) or greater; or

(v) The material is subject to other factors that would require it to be classified as a less stable material.

(n) Type B.

(i) Cohesive soil with an unconfined compressive strength greater than 0.5 tsf. but less than 1.5 tfs: or

(ii) Granular cohesionless soils including angular gravel (similar to crushed rock), silt, silt loam, sand loam and, sometimes, silty clay loam and sandy clay loam.

(iii) Previously disturbed soils except those that would otherwise be classified as Type C soil.

(iv) Soil that meets the unconfined compressive strength or cementation requirements for Type A, but is fissured or subject to vibration: or

(v) Dry rock that is not stable: or

(vi) A sloped, layered system where the layers dip into the excavation on a slope less than 4 horizontal to 1 vertical (4H.1V), but only if the material would otherwise be classified as Type B.

(o) Type C.

(i) Cohesive soil with an unconfined compressive strength of 0.5 or less: or

(ii) Granular soils including gravel, sand, and loamy sand: or

(iii) Submerged soil or soil from which water is freely seeping: or

(iv) Submerged rock that is not stable, or

(v) Material in a sloped, layered system where the layers dip into the excavation on a slope of 4 horizontal to 1 vertical (4H.1V) or steeper.

(p) Unconfined compressive strength. The load per unit area at which a soil will fail in compression. It can be determined by laboratory testing, or estimated in the field using a pocket penetrometer, by thumb penetration tests, and other methods.

(q) Wet soil. Soil that contains significantly more moisture than moist soil, but in such a range of values that cohesive material will slump or begin to flow when vibrated. Granular material that would exhibit cohesive properties when moist will lose those cohesive properties when wet.

(4) Requirements—Classification of soil and rock deposits.

(a) Each soil and rock deposit shall be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions set forth in subsection (3) of this appendix.

(b) Basis of classification. The classification of the deposits shall be made based on the results of at least one visual and at least one manual analysis. Such analyses shall be conducted by a competent person using tests in subsection (5) or in other recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

(c) Visual and manual analyses. The visual and manual analyses, such as noted in subsection (5) of this appendix, shall be designed and conducted to provide quantitative and qualitative information necessary to identify properly the properties, factors, and conditions affecting the classification of deposits.

(d) Layered systems. In a layered system, the system shall be classified according to its weakest layer. Each layer may be classified individually where a more stable layer lies under a less stable layer.

(e) Reclassification. If, after classifying a deposit, the properties, factors, or conditions affecting its classification change in any way, the changes shall be evaluated by a competent person. The deposit shall be reclassified as necessary to reflect the changed circumstances.

(5) Acceptable visual and manual tests.

(a) Visual tests. Visual analysis is conducted to determine qualitative information regarding the excavation site soil next to the excavation, soil at the sides of the excavation, and the soil taken as samples from excavated material.

(i) Observe samples of soil that are excavated and soil in the sides of the excavation. Estimate the range of particle sizes and the relative amounts of the particle sizes. Soil that is primarily composed of fine-grained material is cohesive material. Soil composed primarily of coarse-grained sand or gravel is granular material.

(ii) Observe soil as it is excavated. Soil that remains in clumps when excavated is cohesive. Soil that breaks up easily and does not stay in clumps is granular.

(iii) Observe the side of the opened excavation and the surface area by the excavation. Crack-like openings such as tension cracks could suggest fissured material. If chunks of soil spall off a vertical side, the soil could be fissured. Small spalls are evidence of moving ground and are indications of potentially hazardous situations.

(iv) Observe the area by the excavation and the excavation itself for evidence of existing utility and other underground structures, and to identify previously disturbed soil.

(v) Observe the opened side of the excavation to identify layered systems. Examine layered systems to identify if the layers slope toward the excavation. Estimate the degree of slope of the layers.

(vi) Observe the excavation and sides of the excavation for evidence of surface water, water seeping from the sides of the excavation, or the level of the water table.

(vii) Observe the area by the excavation and the area within the excavation for sources of vibration that may affect the stability of the excavation face.

(b) Manual tests. Manual analysis of soil samples is conducted to find quantitative, also, qualitative properties of soil and to provide more information in order to classify soil properly.

(i) Plasticity. Mold a moist or wet sample of soil into a ball and attempt rolling it into threads as thin as 1/8-inch in diameter. Cohesive material can be successfully rolled into threads without crumbling. For example, if at least a 2 inch length of 1/8-inch thread can be held on one end without tearing, the soil is cohesive.

(ii) Dry strength. If the soil is dry and crumbles on its own or with moderate pressure into grains or fine powder, it is granular (any combination of gravel, sand, or silt). If the soil is dry, falls into clumps that break into smaller clumps, and those clumps are broken with difficulty, it may be clay with gravel, sand or silt. If dry soil clumps are broken with difficulty into smaller clumps, and there is no indication the soil is fissured, it maybe considered unfissured.

(iii) Thumb penetration. The thumb penetration test can be used to estimate the unconfined compressive

strength of cohesive soils. (This test is based on the thumb penetration test described in American Society for Testing and Materials (ASTM) Standard designation D2488—"Standard Recommended Practice for Description of Soils (Visual—Manual Procedure).") Type A soils with an unconfined compressive strength of 1.5 tsf can be readily indented by the thumb and penetrated by the thumb with great effort. Type C soils with an unconfined compressive strength of 0.5 tsf can be easily penetrated several inches by the thumb, and can be molded by light finger pressure. This test should be conducted on an undisturbed soil sample, such as a large clump of spoil, soon after excavation to keep drying effects to a minimum. If the excavation is later exposed to wetting (rain, flooding), the classification of the soil must be changed accordingly.

(iv) Other strength tests. Estimates of unconfined compressive strength of soils also can be obtained by use of a pocket penetrometer or by using a hand-operated shear vane.

(v) Drying test. The basic purpose of the drying test is to differentiate between cohesive material with fissures, unfissured cohesive material, and granular material. The procedure for the drying test involves drying a sample of soil that is approximately 1 inch thick and 6 inches in diameter until it is thoroughly dry:

(A) If the sample develops cracks as it dries, significant fissures are indicated.

(B) Samples that dry without cracking are to be broken by hand. If considerable force is necessary to break a sample, the soil has significant cohesive material content. The soil can be classified as a unfissured cohesive material and the unconfined compressive strength should be determined.

(C) If a sample breaks easily by hand, it is either a fissured cohesive material or a granular material. To distinguish between the two, pulverize the dried clumps of the sample by hand or by stepping on them. If the clumps do not pulverize easily, the material is cohesive with fissures. If they pulverize easily into very small fragments, the material is granular.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-65505 SEWAGE PIPING SYSTEM.

WAC 296-155-660 SPECIFIC EXCAVATION REQUIREMENTS.

WAC 296-155-66005 BORROW PITS.

WAC 296-155-665 SPECIFIC TRENCHING REQUIREMENTS.

WAC 296-155-66501 TABLE N-1.

WAC 296-155-66502 TABLE N-2.

WAC 296-155-66503 TABLE N-3.

WAC 296-155-66504 TABLE N-4.

WAC 296-155-66505 TABLE N-5.

### PART C-1

### FALL RESTRAINT AND FALL ARREST

### NEW SECTION

WAC 296-155-24501 SCOPE AND APPLICATION. This section sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance (including painting and decorating), demolition workplaces, and material handling covered under chapter 296-155 WAC.

### NEW SECTION

WAC 296-155-24503 DEFINITIONS. (1) Anchorage means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

(2) Approved means, for the purpose of this section; tested and certified by the manufacturer, or any recognized national testing laboratory, to possess the strength requirements specified in this section.

(3) Body belt means a Type I safety belt used in conjunction with lanyard or lifeline for fall restraint only.

(4) Full body harness means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.

(5) Full body harness system means a Class III full body harness and lanyard which is attached to an anchorage meeting the requirements of Part C-1 WAC 296-155; or attached to a horizontal or vertical lifeline which is properly secured to an anchorage(s) capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

(6) Catenary line - see horizontal lifeline.

(7) Competent person means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

(8) Continuous fall protection means the design and use of a fall protection system such that no exposure to an elevated fall hazard occurs. This may require more than one fall protection system or a combination of prevention or protection measures.

(9) Control zone means the area between the warning line and the unprotected sides and edges of the walking/working surface.

(10) Deceleration device means any mechanism, such as a rope grab, ripstitch lanyard, specifically woven lanyard and automatic self-retracting lifeline, which serves to dissipate more energy during a fall arrest than does a standard line or strap webbing lanyard.

(11) Drop line means a vertical lifeline secured to an upper anchorage for the purpose of attaching a lanyard or device.

(12) Fall arrest system means the use of multiple, approved safety equipment components such as; body harnesses, lanyards, deceleration devices, droplines, horizontal and/or vertical lifelines and anchorages, interconnected and rigged as to arrest a free fall. Compliance with anchorage strength requirements specified in the applicable sections of chapter 296-155 WAC, Part C-1 shall constitute approval of the anchorage.

(13) Fall protection work plan means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)

(14) Fall-restraint system means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

(15) Fall distance means the actual distance from the worker's support to the level where a fall would stop.

(16) Hardware means snap hooks, D-rings, buckles, carabiners, adjusters, O-rings, that are used to attach the components of a fall protection system together.

(17) Horizontal lifeline means a rail, rope, wire, or synthetic cable that is installed in a horizontal plane between two anchorages and used for attachment of a worker's lanyard or lifeline device while moving horizontally; used to control dangerous pendulum-like swing falls.

(18) Lanyard means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

(19) Leading edge means the advancing edge of a floor, roof, or formwork which changes location as additional floor, roof, or formwork sections are placed, formed, or constructed. Leading edges not actively under construction are considered to be "unprotected sides and edges," and positive methods of fall arrest or fall restraint shall be required to protect exposed workers.

(20) Lifeline means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

(21) Locking snap hook means a connecting snap hook that requires two separate forces to open the gate; one to deactivate the gatekeeper and a second to depress and open the gate which automatically closes when released; used to minimize roll-out or accidental disengagement.

(22) Low-pitched roof means a roof having a slope equal to or less than 4 in 12.

(23) Positioning belt means a single or multiple strap that can be secured around the worker's body to hold the

user in a work position; for example, a lineman's belt, a rebar belt, or saddle belt.

(24) Restraint line means a line from a fixed anchorage or between two anchorages to which an employee is secured in such a way as to prevent the worker from falling to a lower level.

(25) Roll-out means unintentional disengagement of a snap hook caused by the gate being depressed under torque or contact while twisting or turning; a particular concern with single-action snap hooks that do not have a locking gatekeeper.

(26) Rope grab means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for fall restraint applications. (Refer to WAC 296-155-24510 (2)(b)(iii).)

(27) Safety line - see lifeline.

(28) Safety monitor system means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of workers to the fall hazard when working between the warning line and the unprotected sides and edges, including, the leading edge of a low pitched roof or walking/working surface.

(29) Self-retracting lifeline means a deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

(30) Shock absorbing lanyard means a flexible line of webbing, cable, or rope used to secure a body belt or harness to a lifeline or anchorage point that has an integral shock absorber.

(31) Single-action snap hook means a connecting snap hook that requires a single force to open the gate which automatically closes when released.

(32) Snap hook means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

(33) Static line - see horizontal lifeline.

(34) Strength member means any component of a fall protection system that could be subject to loading in the event of a fall.

(35) Steep roof means a roof having a slope greater than 4 in 12.

(36) Unprotected sides and edges means any side or edge (except at entrances to points of access) of a floor, roof, ramp or runway where there is no wall or guardrail system as defined in WAC 296-155-505(6).

(37) Walking/working surface means for the purpose of this section, any area whose dimensions are 45 inches or greater in all directions, through which workers pass or conduct work.

(38) Warning line system means a barrier erected on a walking and working surface or a low pitch roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).

(39) Work area means that portion of a walking/working surface where job duties are being performed.

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

#### NEW SECTION

**WAC 296-155-24505 FALL PROTECTION WORK PLAN.** (1) The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exist.

(2) The fall protection work plan shall:

(a) Identify all fall hazards in the work area.

(b) Describe the method of fall arrest or fall restraint to be provided.

(c) Describe the correct procedures for the assembly, maintenance, inspection, and disassembly of the fall protection system to be used.

(d) Describe the correct procedures for the handling, storage, and securing of tools and materials.

(e) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.

(f) Describe the method for prompt, safe removal of injured workers.

(g) Be available on the job site for inspection by the department.

(3) Prior to permitting employees into areas where fall hazards exist the employer shall:

(a) Ensure that employees are trained and instructed in the items described in subsection (2)(a) through (f) of this section.

(b) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24510 (1) through (3)(c)(ii).

(4) Training of employees as required by this section shall be documented and shall be available on the job site.

#### NEW SECTION

**WAC 296-155-24510 FALL RESTRAINT, FALL ARREST SYSTEMS.** (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements.

(2) Fall restraint protection shall consist of:

(a) Standard guardrails as described in WAC 296-155-505(6).

(b) Safety belts and/or harness attached to securely rigged restraint lines.

(i) Safety belts and/or harness shall conform to ANSI Standard:

Class I – body belt

Class II – chest harness

Class III – full body harness

Class IV – suspension/position belt

(ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

(iv) The employer shall ensure component compatibility.

(v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(vi) Anchorage points used for fall restraint shall be capable of supporting 4 time the intended load.

(vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.

(c) A warning line system as prescribed in the WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect worker engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.

(d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through (5)(f) and 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.

(3) Fall arrest protection shall consist of:

(a) Full body harness.

(i) An approved Class III full body harness shall be used.

(ii) Body harness system or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(iii) All safety lines and lanyards shall be protected against being cut or abraded.

(iv) Body harness system shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.

(v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.

(vi) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.

(vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

(viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self-retracting lifelines or other deceleration devices are used which limit free fall to two

feet, anchorages shall be capable of withstanding 3,000 pounds.

(ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

(x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

(xiii) Snap-hooks shall not be connected to loops made in webbing-type lanyards.

(xiv) Snap-hooks shall not be connected to each other.

(xv) Not more than one snap-hook shall be connected to any one D-ring.

(xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety nets.

(i) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.

(ii) Safety nest shall extend outward at least 8 feet from the outermost projection of the work surface.

(iii) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(v) of this section.

(iv) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(v) of this section.

(v) Safety nets and safety net installations shall be drop-tested at the jobsite before used as a fall protection system. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop-test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.

(vi) Safety nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.

(vii) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as

possible from the net and at least before the next work shift.

(viii) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm<sup>2</sup>) nor be longer than six inches (15 cm) on any side measured center-to-center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(ix) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(x) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(4) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces as described in WAC 296-62-145.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

## NEW SECTION

WAC 296-155-24515 GUARDING OF LOW-PITCHED ROOF PERIMETERS. (1) General provisions. During the performance of work on low-pitched roofs with a ground to eave height greater than 10 feet, the employee shall ensure that employees engaged in such work be protected from falling from all unprotected sides and edges of the roof as follows:

(a) By the use of a fall restraint or fall arrest systems, as defined in WAC 296-155-24510(1) through (2)(b)(vi) and (3) through (3)(c)(ii).

(b) By the use of a warning line system erected and maintained as provided in subsection (3) of this section and supplemented for employees working between the warning line and the roof edge by the use of a safety monitor system as described in WAC 296-155-24521.

(c) Mechanical equipment shall be used or stored only in areas where employees are protected by a warning

line system, or fall restraint, or fall arrest systems as described in WAC 296-155-24510(2) through (3)(c)(ii). Mechanical equipment may not be used or stored where the only protection is provided by the use of a safety monitor.

(2) Exceptions.

(a) The provisions of subsection (1)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subsection (4) of this section.

(b) Employees engaged in built-up roofing on low-pitched roofs less than 50 feet wide, may elect to utilize a safety monitor system without warning lines, where the use of hot tar poses an additional hazard to workers.

(3) Warning lines systems.

(a) Warning lines shall be erected around all sides of the work area.

(i) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the edge of the roof.

(ii) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(b) The warning line shall consist of a rope, wire, or chain and supporting stanchions erected as follows:

(i) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meter) intervals with high-visibility material.

(ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches (.86 meters) from the roof surface and its highest point is no more than 45 inches (1 meter) from the roof surface.

(iii) After being erected, with the rope, wire or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge.

(iv) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions.

(v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(c) Access paths shall be erected as follows:

(i) Points of access, materials handling areas, and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(ii) When the path to a point of access is not in use, a rope, wire or chain, equal in strength and height to the

warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(4) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 10 feet shall be protected from falling along all unprotected roof sides and edges of the area.

(a) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(b) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(c) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(d) When safety belt/harness systems are used, they shall not be attached to the hoist.

(e) When fall restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(f) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

#### NEW SECTION

WAC 296-155-24520 LEADING EDGE CONTROL ZONE. (1) When performing leading edge work, the employer shall ensure that a control zone be established according to the following requirements:

(a) The control zone shall begin a minimum of 6 feet back from the leading edge to prevent exposure by employees who are not protected by fall restraint or fall arrest systems.

(b) The control zone shall be separated from other areas of the low pitched roof or walking/working surface by the erection of a warning line system.

(c) The warning line system shall consist of wire, rope, or chain supported on stanchions, or a method which provides equivalent protection.

(d) The spacing of the stanchions and support of the line shall be such that the lowest point of the line (including sag) is not less than 39 inches from the walking/working surface, and its highest point is not more than 45 inches (1.3 m) from the working/walking surface.

(e) Each line shall have a minimum tensile strength of 500 pounds (227 Kilograms).

(f) Each line shall be flagged or clearly marked with high visibility materials at intervals not to exceed 6 feet.

(g) After being erected with the rope, or chain attached, stanchions shall be capable of resisting without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchions 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line and in the direction of the roof edge.

(2) When positive means of fall restraint as described in WAC 296-155-24510 (2)(b)(vi) or fall arrest as described in WAC 296-155-24510 (3)(c)(iii) are not utilized, a safety monitor system as described in WAC



296-155-24521 shall be implemented to protect employees working between the forward edge of the warning line and the leading edge.

### NEW SECTION

WAC 296-155-24521 SAFETY MONITOR SYSTEM. (1) A safety monitor system (SMS) may be used in conjunction with a warning line system as a method of guarding against falls during work on low pitched roofs and leading edge work only.

(2) When selected, the employer shall ensure that the safety monitor system shall be addressed in the fall protection work plan, include the name of the safety monitor(s) and the extent of their training in both the safety monitor and warning line systems, and shall ensure that the following requirements are met.

(3) The safety monitor system shall not be used when adverse weather conditions create additional hazards.

(4) A person acting in the capacity of safety monitor(s) shall be trained in the function of both the safety monitor and warning lines systems, and shall:

(a) Be a competent person as defined in WAC 296-155-24503(7).

(b) Have control authority over the work as it relates to fall protection.

(c) Be instantly distinguishable over members of the work crew.

(d) Engage in no other duties while acting as safety monitor.

(e) Be positioned in relation to the workers under their protection, so as to have a clear, unobstructed view and be able to maintain normal voice communication.

(f) Not supervise more than eight exposed workers at one time.

(5) Control zone workers shall be distinguished from other members of the crew by wearing a high visibility vest only while in the control zone.

### NEW SECTION

WAC 296-155-24525 APPENDIX TO PART C-1, FALL RESTRAINT AND FALL ARREST (EMPLOYER INFORMATION ONLY). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480(1)(O) WAC 296-155-480(1)(P)
Suspended Scaffold	WAC 296-155-485(7)(h)
Two Points Suspension Scaffold	WAC 296-155-485(7)(h)(ii)
Bosun,s Chain Scaffold	WAC 296-155-485-(10)(d)
Needle Beam Scaffold	WAC 296-155-485-(14)(i)
Ladder Jack Scaffold	WAC 296-155-485-(17)(f)
Window Jack Scaffold	WAC 296-155-485-(18)(c)
Float or Ship Scaffold	WAC 296-155-485-(21)(f)
Pump Jack Scaffold	WAC 296-155-485-(23)(k)
Boom Supported Elevating Work Platforms	WAC 296-155-48529-(19)(b)(vi)
Vehicle Mounted Elevated and Rotating Work	WAC 296-155-48531-(14)(h)

### Platforms

Crane and Derrick Supported Work Platforms	WAC 296-155-48533-(6)(c) WAC 296-155-48533-(6)(d) WAC 296-155-48533-(7)(i) WAC 296-155-48533-(7)(j) WAC 296-155-48533-(7)(k) WAC 296-155-48533-(10)(h)
Open Sided Floors	WAC 296-155-505(4)(a)
Pile Driving	WAC 296-155-620(1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705(2)(b)
Tunneling (Skips and Platforms)	WAC 296-155-730(8)(e)

**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 86-14, filed 1/21/86)

WAC 296-155-530 MATERIAL HOISTS, PERSONNEL HOISTS, AND ELEVATORS. (1) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(b) The employer shall ensure that no person shall enter a hoistway, elevator shaft, or similar enclosure in which the hoisting apparatus or vehicle is installed and functioning unless the power source operating those systems is locked out in accordance with WAC 296-155-429 (1), (2), and (3).

(c) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

~~((t))~~ (d) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1 1/8 inches; and three thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches.

~~((d))~~ (e) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

~~((t))~~ (f) The installation of live booms on hoists is prohibited.



((ff)) (g) The use of endless belt-type man lifts on construction shall be prohibited.

((fg)) (h) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists, (a)(i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be equipped with a latching device.

(c) Overhead protective covering of two-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of 1/2-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 1/2-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multi story buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(d) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

(e) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

(g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(h) Overhead protective covering of 2-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

(k) An electrical push button signalling device or other approved signalling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

(l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

(m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(o) Internal combustion engines shall not be permitted for direct drive.

(p) Normal and final terminal stopping devices shall be provided.

(q) An emergency stop switch shall be provided in the car and marked "stop."

(r) Ropes:

(i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be 1/2-inch.

(iii) Safety factors:

**MINIMUM FACTORS OF SAFETY  
FOR SUSPENSION WIRE ROPES**

Rope speed in feet per minute:	Minimum factor of safety
50 .....	7.60
75 .....	7.75
100 .....	7.95
125 .....	8.10
150 .....	8.25
175 .....	8.40
200 .....	8.60
225 .....	8.75
250 .....	8.90
300 .....	9.20
350 .....	9.50
400 .....	9.75
450 .....	10.00
500 .....	10.25
550 .....	10.45
600 .....	10.70

(s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

(u) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including

three-fourths inch, one sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(v)(i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 3/4-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(4) Permanent elevators under the care and custody of the employer and used by employees for work covered by this act shall comply with the requirements of American National Standards Institute, A17.1-1971, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967.

Note: For additional information refer to chapter 296-90 WAC, safety requirements for cantilever hoists and chapter 296-100 WAC, safety requirements for material hoists.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 296-155-225 SAFETY BELTS, DROPLINES, LIFELINES, AND LANYARDS.
- WAC 296-155-230 SAFETY NETS.

**WSR 91-03-045**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 2069—Filed January 11, 1991, 8:31 a.m.]

Date of Adoption: January 11, 1991.

Purpose: To control an infestation of yellow nutsedge at the Port of Kalama in Kalama, Washington.

Citation of Existing Rules Affected by this Order: Amending chapter 16-752 WAC, Rules relating to yellow nutsedge quarantine.

Statutory Authority for Adoption: Chapter 17.10 RCW, Noxious weeds—Control boards.

Pursuant to notice filed as WSR 90-23-057 on November 19, 1990.

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

January 11, 1991

C. Alan Pettibone  
Director

**AMENDATORY SECTION** (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-300 ESTABLISHING QUARANTINE. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz County (WAC 16-750-011(27)). Yellow nutsedge (~~has infested two~~) infests a dredging spoil site((s)) at the Port of Kalama in Kalama, Washington. Movement of material from ~~((these))~~ this site((s)) has initiated additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

- (1) That the identified site(~~s are~~) is so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from ~~((these))~~ this site((s)) presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and
- (3) That the restriction of such spread is critical to control efforts.

**AMENDATORY SECTION** (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-305 QUARANTINE AREA. The quarantine area shall encompass ~~((two))~~ the dredge spoil site((s)) at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and more particularly described as follows:

The following described real estate, situated in the county of Cowlitz, state of Washington:

Parcel ((+)) - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tideland; thence south 27 degrees 54'56" east along said inner harbor line 1045.78

feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

((Parcel 2 - containing 2.46 acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, and more particularly described as follows:

Beginning at the intersection of the easterly extension of the north line of a tract of land leased to North Pacific Grain Growers, Inc., with a line 30.00 feet westerly, when measured at right angles, from the westerly line of the Northern Pacific Railway right of way, said point being north 2374.49 feet and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C. 2090.78 feet from the southeast corner of said Section 20. These are designated as "KS-1" and "KS-2," Section 20, T6N, R1W WM, Warranty Deed No. 850805007, Vol. 989, pages 1010-1012, Parcel No. 60050200:))

**READOPTED SECTION** (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-310 ARTICLES WHOSE MOVEMENT IS RESTRICTED. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (nutlets or seeds) of the plant, is covered by this quarantine.

**AMENDATORY SECTION** (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-315 REGULATIONS. Use of the ~~((properties))~~ property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine ~~((locations))~~ site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require((s)) a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz County noxious weed control board, except in designated parking areas.

(4) All weed control measures in the quarantine area are to be undertaken in consultation with the Cowlitz County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: PROVIDED, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

**READOPTED SECTION** (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

**WAC 16-752-320 COSTS OF QUARANTINE.** The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

**READOPTED SECTION** (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

**WAC 16-752-330 VIOLATION AND PENALTY.** Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.350 and WAC 16-750-900(3) which provides a monetary penalty of up to one thousand dollars per infraction.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-752-325 DURATION.

**WSR 91-03-046**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 2070—Filed January 11, 1991, 8:35 a.m.]

Date of Adoption: January 11, 1991.

Purpose: To prevent the spread of Chrysanthemum white rust disease in the state of Washington by establishing an interior quarantine.

Statutory Authority for Adoption: Chapter 17.24 RCW, Insect pests and plant diseases.

Pursuant to notice filed as WSR 90-23-056 on November 19, 1990.

Effective Date of Rule: Thirty-one days after filing.  
 January 11, 1991  
 C. Alan Pettibone  
 Director

**NEW SECTION**

**WAC 16-471-010 DEFINITIONS.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

**NEW SECTION**

**WAC 16-471-015 PENALTIES.** Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be guilty of a gross misdemeanor.

**NEW SECTION**

**WAC 16-471-020 QUARANTINE—CHRYSANTHEMUM WHITE RUST DISEASE.** An interior quarantine is established under chapter 17.24 RCW against the disease known as chrysanthemum white rust disease, *Puccinia horiana* P. Henn. Chrysanthemum white rust is a serious fungal disease which threatens chrysanthemums, an important floral and ornamental crop, and is not known to occur in the United States.

**NEW SECTION**

**WAC 16-471-030 AREA UNDER QUARANTINE.** Real or personal properties within the state of Washington:

(1) On which the department has identified chrysanthemum white rust or which is identified as a recipient of infected plants; and

(2) Where the occupants and owners of those properties have been notified by the department of the chrysanthemum white rust infestation or the receipt of infected plants, and the conditions and requirements of this quarantine as provided in WAC 16-471-080.

**NEW SECTION**

**WAC 16-471-040 REGULATED ARTICLES.** The following are regulated articles and are hereby declared to be hosts or possible carriers of chrysanthemum white rust disease and shall not be moved from the area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-471-050:

(1) Plant or plant parts of any susceptible chrysanthemum species including but not limited to the following:

COMMON NAME	SCIENTIFIC NAME
Nippon daisy	<i>C. nipponicum</i>
Florists chrysanthemum	<i>C. morifolium</i> (syn. <i>C. sinense</i> )
High daisy	<i>C. uliginosum</i>
(No Common Name)	<i>C. arcticum</i>
	<i>C. shiwogiku</i>
	<i>C. pacificum</i>
	<i>C. makinoi</i>
	<i>C. indicum</i> (syn. <i>C. japonicum</i> )
	<i>C. yezoense</i>

COMMON NAME	SCIENTIFIC NAME
	C. korcanum
	C. boreale
	C. yosinagathum

(2) Soil, humus, compost, manure, planting media, or rooting media.

(3) Tools and implements used in chrysanthemum cultivation.

(4) Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by the director that they present a hazard of spread of chrysanthemum white rust disease and the person in possession thereof has been so notified.

#### NEW SECTION

WAC 16-471-050 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES FROM AN AREA UNDER QUARANTINE. Regulated articles are prohibited movement from the area under quarantine except that tools and implements used in chrysanthemum cultivation that may have come in contact with infected plants or contaminated soil may be moved if:

(1) Disinfected by washing with steam or high pressure hot water; and

(2) Protected from further contact with infected plants or contaminated soil.

#### NEW SECTION

WAC 16-471-060 PLANT AND PLANT PARTS TO BE DESTROYED OR TREATED—INTERVAL BEFORE REPLANTING. (1) All plants and plant parts of chrysanthemum species listed in WAC 16-471-040(1) found in the area under quarantine shall be (a) destroyed by incineration, burial in lime pits, or heat treatment; or (b) otherwise treated in a manner prescribed by the director.

(2) Following the destruction or treatment of the current stand of all chrysanthemum plants or plant parts, no susceptible chrysanthemum species shall be planted or grown in the area under quarantine for a period of at least two months unless prior written authorization is obtained from the director.

#### NEW SECTION

WAC 16-471-070 SPECIAL PERMITS AND COMPLIANCE AGREEMENTS. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-471-040 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of chrysanthemum white rust disease.

#### NEW SECTION

WAC 16-471-080 NOTICE OF QUARANTINE—NOTICE OF DESTRUCTION. When the director finds real or personal property as described in WAC 16-471-030(1) the director shall issue a written

notice of quarantine to the owners and occupants thereof. The notice shall identify the property under quarantine, order the prompt destruction of susceptible species of chrysanthemum plants, and direct treatment of any other regulated articles.

#### WSR 91-03-047

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

#### (Real Estate Commission)

[Filed January 11, 1991, 10:54 a.m.]

#### Original Notice.

Title of Rule: Amending WAC 308-124A-430 Grading of examinations, 308-124H-010 Approval of real estate courses to satisfy clock hour requirements, 308-124H-025 Application for course approval, and 308-124H-540 Qualifications of instructors.

Purpose: To change rule language so it is consistent with recent Real Estate Commission policy decision.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040, 18.85-085, 18.85.090, and 18.85.095.

Reasons Supporting Proposal: WAC 308-124A-430, requires examination candidate to obtain a score of 75 on each portion of the salesperson and broker examinations; WAC 308-124H-010, allows licensees to allocate mandatory continuing education credit between substantive real estate subject matter courses and business skills and management courses, effective January 1, 1992; WAC 308-124H-025, designates substantive real estate subject matter course topics and allows course approval for business skills and management courses and identifies approved topic areas; and WAC 308-124H-540, includes in instructor qualifications individuals selected by national or state associations with director-approved selection criteria.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Robert Mitchell, 2424 Bristol Court, Olympia, WA 98504, (206) 586-4681.

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: These WAC amendments will facilitate real estate education and enhance consumer protection by supporting and encouraging quality real estate educational programs.

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: Sea-Tac Airport Hilton, 17620 Pacific Highway South, Seatac, WA 98188, phone (206) 244-4800, on February 28, 1991, at 9:00 a.m.

Submit Written Comments to: Robert Mitchell, 2424 Bristol Court, Olympia, WA 98504, by February 22, 1991, 5:00 p.m.

Date of Intended Adoption: February 28, 1991.

January 11, 1991

Linda M. Moran

Assistant Attorney General

AMENDATORY SECTION (Amending Order PM 774, filed 9/30/88, effective 1/1/89)

WAC 308-124A-430 GRADING OF EXAMINATIONS. (1) A minimum scaled score of 70 ~~((is required to pass))~~ on each portion of the real estate salesperson examination is required to pass. The real estate salesperson examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate practices and (b) the state portion consisting of questions that test on Washington licensing law and regulations.

(2) A minimum scaled score of 75 ~~((is required to pass))~~ on each portion of the real estate broker examination is required to pass. The real estate broker examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate brokerage practices and (b) the state portion consisting of questions that test on Washington licensing law, regulations, and the closing/settlement process.

(3) A passing score for a portion of an examination shall be valid for a period not to exceed six months.

AMENDATORY SECTION (Amending WSR 90-01-047, filed 12/14/89, effective 1/14/90)

WAC 308-124H-010 APPROVAL OF REAL ESTATE COURSES TO SATISFY CLOCK HOUR REQUIREMENTS. To satisfy a requirement for clock hours of instruction pursuant to RCW 18.85.090, 18.85.095, 18.85.165, or 18.85.215 as applicable, a licensee or applicant for license shall submit to the department evidence of satisfactory completion of courses in a manner and on forms prescribed by the department.

(1) ~~((All licensees applying for renewal of an active license on or after January 1, 1991, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's 1991 renewal date.~~

~~((2))~~ All licensees applying for renewal of an active license after December 31, ~~((1991))~~ 1990, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of any two-year renewal date; up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date.

(2) To satisfy the requirement for clock hours of instruction pursuant to RCW 18.85.165, licensees shall be required to submit to the department evidence of satisfactory completion of courses of at least thirty clock hours. These clock hours may be satisfied by evidence of a minimum of twenty clock hours in courses designated by the commission as substantive real estate subject matter and not more than ten clock hours in courses designated by the commission as business skills and management courses, effective January 1, 1992.

(3) Courses previously taken for the "second renewal" requirement pursuant to RCW 18.85.095(2) may be used for continuing education if taken within thirty-six months prior to licensee's renewal date; courses taken to activate an inactive license pursuant to RCW 18.85.215(3) cannot be used to satisfy RCW 18.85.165 for continuing education; courses taken to satisfy broker's educational requirements pursuant to RCW 18.85.090(4) may be used to satisfy RCW 18.85.165 if taken within thirty-six months of a licensee's renewal date in 1991; Subsequent renewals must comply with WAC 308-124H-010(2); courses for clock hour credit pursuant to RCW 18.85.165 shall be commenced after issuance of a first license, except courses for clock hour credit pursuant to RCW 18.85.095 (1)(c) shall be commenced prior to first licensure.

(4) A licensee shall not place a license on inactive status to avoid the requirement of RCW 18.85.165. A licensee shall submit evidence of completion of clock hours pursuant to RCW 18.85.165 to reactivate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Waiver of the clock hours required under RCW 18.85.090, 18.85.095, 18.85.165, 18.85.215 shall not be considered or granted, except as provided in WAC 308-124A-425(3).

(6) Clock hour credit shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Clock hours for license renewal were commenced prior to the date of first licensure;

(c) The course(s) is a repeat or duplication of course(s) material for which credit had been accepted by the department the preceding renewal date; except approved courses in real estate law, real estate finance, taxation, and license law, rules and regulations may be repeated for credit;

(d) A course(s) was previously used to satisfy the requirements of RCW 18.85.095 (1)(c); except clock hour credit taken to satisfy RCW 18.85.095 (1)(c) in 1990 may be applied to satisfy RCW 18.85.165 in 1991.

(7) Instructors shall not receive clock hour credit for teaching or course development.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

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))~~ in any of the following real estate topic areas: Fundamentals, principles/practices/essentials, law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, escrow closing/settlement practices, current trends and issues, finance, hazardous waste and other environmental issues, or;

(2) Provide practical information related to assisting licensees in improving their business skills and business management in order to enable them to better serve and protect the consumer in any of the following topic areas: Advertising, agent supervision and broker responsibility, cross cultural communication, theory and practices of relocation, and accounting for real estate offices. 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))~~ (4) 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))~~ (5) 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))~~ (6) 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))~~ (7) 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))~~ (8) Not have a title which misleads the public as to the subject matter of the course;

~~((8))~~ (9) 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))~~ (10) 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))~~ (11) 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))~~ (12) 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))~~ (6) 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.

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 WSR 90-10-010, filed 4/20/90, effective 8/1/90)

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))~~ Selection by a national or state association whose selection criteria have been approved by the director.

**WSR 91-03-048**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**(Fire Protection Policy Board)**  
 [Memorandum—January 11, 1991]

**THE FIRE PROTECTION POLICY BOARD MEETINGS AND**  
**WORK SESSIONS**  
**FOR 1991**

January 16	Work Session	1 p.m. to 4 p.m.	Olympia
January 17	Full Board Meeting	9 a.m. to 3 p.m.	Olympia
March 21	Full Board Meeting	9 a.m. to 3 p.m.	Sea-Tac Area
May 22	Work Session	1 p.m. to 4 p.m.	Island County
May 23	Full Board Meeting	9 a.m. to 3 p.m.	Island County

July 18	Full Board Meeting	9 a.m. to 3 p.m.	Wenatchee
September 25	Work Session	1 p.m. to 4 p.m.	Port Angeles
September 26	Full Board Meeting	9 a.m. to 3 p.m.	Port Angeles
November 21	Full Board Meeting	9 a.m. to 3 p.m.	Sea-Tac Area

The meetings on January 16th and 17th will be held at the Aladdin Motor Inn, Olympia.

The meeting on March 21 will be held at the West Coast Hotel, Sea-Tac.

The meetings on May 22nd and 23rd will be held at the Best Western Harbor Plaza, Oak Harbor.

The meeting on July 18 will be held in Wenatchee, location unknown at this time.

The meetings on September 25th and 26th will be held at Haguewood's Red Lion Hotel, Port Angeles.

The meeting on November 21 will be held at the Holiday Inn, Sea-Tac.

**WSR 91-03-049**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed January 14, 1991, 10:15 a.m.]

Continuance of WSR 90-24-006.

Title of Rule: WAC 230-20-380 Persons obtaining a special amusement game license to conduct activities only at limited locations; 230-25-265 Fund raising event—Regular salary for licensee's not "payment" for work on fund-raising event under certain conditions—Food and beverage exception; 230-30-075 Minimum percentages of prizes for certain gambling activities; 230-30-080 Limitation of pull tab dispensing devices; and 230-40-125 Washington Blackjack—Rules of play—Wagering limits.

Purpose: Limits the use of amusement games to specific locations when conducted by other than bona fide charitable or nonprofit organizations; clarifies that employee salaries at fund raising events are not considered "payment" under certain conditions; provides a minimum percentage of prize payout and limits the amount that may be expended for cash and merchandise prizes; provides regulations for the use of pull tabs including the number of tabs which may be in a series; and provides rules for Washington Blackjack, an approved, nonbanking, card game during a one year test period.

Statutory Authority for Adoption: Chapter 9.46 RCW.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Expands the rule to allow licensed amusement games to be conducted at regional shopping centers with certain restrictions; allows organizations to provide food and nonalcoholic beverages to event volunteers under certain conditions; increases the amount allowed to be expended for merchandise prizes from \$300 to \$400; increases the number of plays in a pull tab series from 4,000 to 6,000; and extends the Washington Blackjack test until December 31, 1991.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, Lacey, Washington,

(206) 438-7640; Implementation: Ronald O. Bailey, Director, Lacey, Washington, (206) 438-7640; and Enforcement: Donn Olson, Assistant Director, Lacey, Washington, (206) 438-7690.

Name of Proponent: Washington State Gambling Commission; Licensed Beverage Association and Sabey Corporation, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Expands the use of amusement games by profit seekers to regional shopping centers with restrictions; allows volunteers at fund-raising events to accept food and nonalcoholic beverages without violating current rules; allows pull tab operators to purchase larger merchandise prizes; allows pull tab operators to purchase pull tab series with a larger number of plays; and allows for an extension of the Washington Blackjack test.

Proposal Changes the Following Existing Rules: All proposed changes expand or clarify the scope of existing rules.

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

The agency has considered whether these rule changes would create an economic impact on small businesses as defined by chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals.

Hearing Location: Tye Motor Inn, 500 Tye Drive S.E., Tumwater, WA 98501, on February 8, 1991, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by February 6, 1991.

Date of Intended Adoption: February 8, 1991.

January 11, 1991

Frank L. Miller  
Deputy Director

#### WSR 91-03-050

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 14, 1991, 4:01 p.m.]

Original Notice.

Title of Rule: WAC 392-125-014 Finance—Educational service district budgeting.

Purpose: To implement RCW 28A.310.330 through 28A.310.460 and establish budgeting procedures governing educational service districts.

Statutory Authority for Adoption: RCW 28A.310.330.

Statute Being Implemented: RCW 28A.310.330.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Bob Schley, Superintendent of Public Instruction,

Old Capitol Building, (206) 753-1717; and Enforcement: David Moberly, Superintendent of Public Instruction, 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, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on March 1, 1991, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 14, 1991

Judith A. Billings  
Superintendent of  
Public Instruction

#### NEW SECTION

WAC 392-125-014 EDUCATIONAL SERVICE DISTRICT FISCAL YEAR. The following fiscal years shall be established for educational service districts and shall apply to all district funds, including the general expense fund, all cooperatives, insurance pools, and other enterprises under the jurisdiction of the educational service district board of directors:

There shall be a twelve-month fiscal period of July 1, 1990, through June 30, 1991, for the 1990-1991 fiscal year.

For July and August 1991 there shall be a two-month fiscal period with a budget for this two-month period to be prepared by May 10, 1991.

For fiscal year 1991-1992 there shall be a twelve-month fiscal period beginning September 1, 1991, and ending on August 31, 1992, with a budget to be prepared by July 10, 1991.

For every fiscal year thereafter, a twelve-month fiscal period shall begin on September 1 and end on August 31 with an annual budget to be prepared by July 10th.

#### AMENDATORY SECTION (Amending Order 85-4, filed 7/24/85)

WAC 392-125-015 BUDGETS REQUIRED. Each educational service district shall prepare in accordance with this chapter and instructions from the superintendent of public instruction a complete general expense fund budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. ~~((The fiscal year for educational service districts commences on July 1st of one year and extends through June 30th of the following year.))~~ The annual budget shall be prepared in the format prescribed by the superintendent of public instruction which will reflect the approved core funding formula pursuant to WAC 392-125-036, and shall receive all necessary approvals, and shall be filed with the proper officials in order to constitute an official budget and appropriation for ~~((the subject))~~ each fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget.

#### AMENDATORY SECTION (Amending Order 85-4, filed 7/24/85)

WAC 392-125-020 BUDGET PREPARATION, HEARING AND ADOPTION. ~~((On or before the 1st day of May;))~~ Each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice



shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. (~~Said meeting shall occur on or before the third Friday in May.~~) The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, two certified copies shall be forwarded to the superintendent of public instruction (~~on or before the fourth Monday in May~~) in order that the superintendent may revise and fix the budget according to statute.

**AMENDATORY SECTION** (Amending Order 84-12, filed 6/13/84)

WAC 392-125-025 BUDGET APPROVAL. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return one approved copy of the budget to the district (~~prior to the 30th day of June~~).

**NEW SECTION**

WAC 392-125-026 JULY AND AUGUST 1991 BUDGET. In order to implement a change in fiscal years, a short fiscal period shall exist from July 1, 1991, through August 31, 1991.

(1) Each educational service district that anticipates being in operation from July 1, 1991, through August 31, 1991, shall prepare a budget.

(2) Budgets for the period July 1, 1991, through August 31, 1991, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for educational service districts published by the office of the superintendent of public instruction.

(3) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable cash balance and investments available at the close of the 1990-1991 fiscal year.

(4) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period.

**NEW SECTION**

WAC 392-125-027 TIME SCHEDULE FOR JULY AND AUGUST 1991 BUDGET PROCESS. The time schedule for preparation, adoption, and filing of the July and August 1991 budget is as follows:

ON OR BEFORE	REQUIREMENT
May 10	Final date for board to prepare budget for July and August 1991. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
14 days preceding public hearing	Copies of budget made available to interested citizens.
June 3, 1991	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
June 6, 1991	Forward two properly signed copies of budget to superintendent of public instruction.
June 28, 1991	Superintendent revises, fixes and approves budget and returns one copy to the district.

**AMENDATORY SECTION** (Amending Order 85-4, filed 7/24/85)

WAC 392-125-030 TIME SCHEDULE FOR FISCAL YEAR 1991-1992 BUDGET PROCESS AND FOR EVERY FISCAL YEAR THEREAFTER. The time schedule for preparation, adoption, and filing of the fiscal year 1991-1992 annual budget (~~of an educational service district~~) and the budget for every year thereafter is as follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

ON OR BEFORE	REQUIREMENT
<del>(May 1)</del> July 10	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
<del>(2 weeks preceding public hearing)</del> July 15	Copies of budget made available to interested citizens.
<del>(3rd Friday in May)</del> August 1	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
<del>(4th Monday in May)</del> August 3	Forward two properly signed copies of budget to superintendent of public instruction.
<del>(June)</del> August 31	Superintendent revises, fixes and approves budget and returns one copy to the district.

**AMENDATORY SECTION** (Amending Order 81-19, filed 9/4/81)

WAC 392-125-085 FINANCIAL REPORTS SUBMITTED TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Within (~~thirty~~) ninety calendar days following the end of (~~September, December, March, and June~~) its fiscal year, each educational service district shall submit a financial report to the superintendent of public instruction. Said report shall be in the format specified by the superintendent of public instruction.

**WSR 91-03-051**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed January 14, 1991, 4:17 p.m.]

**Original Notice.**

Title of Rule: WAC 480-80-047 relating to access charges by telecommunications companies. The proposed new section is shown below as Appendix A, Docket No. UT-900880. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values, pursuant to chapter 43.21H RCW.

Purpose: The proposed rule is designated to set forth procedures for updating tariffed access charges.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: The rule requires annual updates by local exchange telecommunications companies of the traffic

sensitive and non-traffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission.

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 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: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on February 27, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 19, 1991.

Date of Intended Adoption: February 27, 1991.

January 10, 1991

Paul Curl  
Secretary

#### APPENDIX "A"

#### NEW SECTION

WAC 480-80-047 ACCESS CHARGES. (1) Updated tariffed access charges required. All local exchange telecommunications companies in the state of Washington shall update annually the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission. The updates shall be calculated as prescribed in the Eighteenth and Nineteenth Supplemental Orders in Cause No. U-85-23 et al., including the transition to a twenty-five percent allocation factor, or as may be otherwise prescribed by commission order or rule, and each company's access charge revenue requirement shall be adjusted for changes in extended area service routes that have occurred since the previous update.

(2) Filing dates. Each company shall file by March 1 of each year, to be effective April 1, such updated tariffs, based upon the usage and cost data of the previous year.

(3) Data filing requirement. With each annual updated tariff filing, each company shall also file complete workpapers and data sufficient for the staff of the commission and others to audit the correctness of the tariff filing. No company shall file any of the workpapers and data required by this section with a claim of confidentiality, without express prior permission by written order of the commission, after notice to interested parties. Pursuant to WAC 480-09-015, the company that petitions for such a finding of confidentiality shall bear the burden of demonstrating that the subject data is in fact confidential under the laws of the state of Washington.

#### WSR 91-03-052 PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-314, Docket No. U-89-2709-R—Filed January 14, 1991, 4:22 p.m.]

In the matter of adopting WAC 480-120-400, 480-120-405, 480-120-410, 480-120-415, 480-120-420, 480-120-425, 480-120-430, and 480-120-435 relating to extended area service routes.

This action is taken pursuant to Notice No. WSR 90-19-119 filed with the code reviser on September 19, 1990, and continued by Notice No. WSR 90-22-017 filed on October 29, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and chapter 80.36 RCW and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice Nos. WSR 90-19-119 and 90-22-017 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, November 28, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notices, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to November 1, 1990, replies by November 15, 1990, and orally at 9:00 a.m., Wednesday, November 28, 1990, in the commission's hearing room above noted. In order to allow staff additional time to analyze written and oral comments, the matter was continued to the December 12, 1990, weekly meeting.

At the December 12, 1990, meeting the commission considered the rule change proposal. Written comments were received from numerous telecommunications companies and hundreds of other companies and individual consumers.

The rule adopted establishes conditions under which the commission will consider new EAS routes. It sets forth guidelines for determining and recovering the cost of expanded local calling areas created pursuant to the rule.

Under the rule, the commission will consider new routes where an increase in the local calling area of an exchange that currently has less than an 80 percent local calling capability will produce a closer match of the local calling area with local calling needs. Companies must identify the local calling capability for each exchange they serve by March 31, 1991. They must consider creating new routes where half the people in an

exchange make at least two toll calls per month to another exchange. There is an explicit waiver provision for companies who show this criterion does not match the local calling need of particular exchanges.

By June 30, 1991, the companies in consultation with the commission staff must file a timetable for engineering studies of potential routes, and subsequently agree upon a schedule to implement the routes they have identified in consultation with staff. Staff and companies will take into consideration the criteria and guidelines set forth in the rule along with costs, in determining routes to be added and in setting implementation schedules. Implementation schedules will be considered petitions for EAS and docketed accordingly.

Staff indicated that it anticipates that companies will find it appropriate to propose fewer routes than the 237 estimated for the initial version of the rule.

Based on the implementation schedule, companies will file proposed tariffs and notify customers. The commission will follow its normal procedures for considering tariffs, including suspension and hearing as needed. These tariffs should reflect the cost recovery guidelines laid out in the rule.

The rule establishes that companies will recover costs first from the exchanges that receive additional local calling, up to a maximum increment of \$3.50 per month for residential customers; next from current earnings if appropriate; and then from local service rates company-wide. Small companies who have a revenue requirement remaining after local rates in each exchange have been increased up to a limit of \$12.50 (not including the \$3.50) may qualify for support from a statewide fund. The fund is intended to cushion the impact of the change in calling areas on customers of small companies, and will be supported by an appropriate charge on all access lines in the state.

The rule as initially proposed has been revised in light of comments made by interested parties including inter-exchange companies, local exchange companies, members and representatives of the public, large consumers and others.

In response to concerns that the rule might force companies to create new EAS routes that were costly and benefited few customers, the rule as adopted eliminates any language suggesting that all local exchanges should have minimum local calling capability at or near 80 percent. In addition, the rule specifies that companies must consider EAS routes where half the subscribers make two calls per line into nearby exchanges, rather than requiring such routes be made into EAS routes. The commission may grant a waiver of these criteria upon demonstration by company or staff that an expanded local calling area is not in the public interest.

Certain members of the public commented that in many cases foreign exchange lines reflect an important component of the local calling need to another exchange. The rule contains language to ensure that foreign exchange calling is taken into account in determining both the local calling capability of an exchange and call volume.

Many independent telephone companies commented that the rule should be redrafted as a "study rule," that

would simply require companies to calculate the costs of new EAS as defined by the rule. Their rationale was that this would allow the commission to consider whether or not to go ahead with a new policy once potential costs were calculated. The commission believes that proposed rule as written already allows for the commission and companies to look at costs before proceeding with implementation. This will occur first when proposed EAS routes are identified and implementation schedules are developed and become petitions. The rule offers a second opportunity for review at the time the company files tariffs for proposed new routes. In short, there is ample flexibility in the rule as adopted to prevent unacceptable consequences.

Some telephone companies argued that the rule should provide explicitly for EAS "billing options" to offer subscribers the choice between a flat rate and a measured rate for calls over new EAS routes. The rule as written does not preclude a company from proposing such billing options in filing new EAS tariffs. The new rule prescribes expanded local calling only in situations where current local calling capability is below a certain level and where new routes will improve the match between the local calling area and local calling needs. Costs of such expansion should be treated to the extent possible like other local calling costs. Staff has examined "billing options." They point out that predicting the amount of revenue a linked flat and measured rate will recover is very difficult. In addition, setting a measured rate may raise complex cost and rate design issues that are better resolved in the context of a full examination of company cost of service.

Some commenters suggested that implementation should be entirely on a "revenue neutral" basis. This would mean that a company could pass through relevant EAS costs to basic rates company wide without a determination whether or not the company is in an excess earnings position. To assure that the rule does not require companies to incur costs that they believe are not compensated at current rate levels, language has been added to acknowledge that a company may refuse to recover any implementation costs from overearnings (if indicated). The commission would then have the discretion to file a complaint against the company's rates and services if implementation of the new routes was found to be in the public interest.

Based on concerns expressed in comments by the Office of the Attorney General, members of the public, large users and larger local exchange companies, the earnings test for eligibility for support from a community calling fund (CCF) remains in the rule.

In response to the above concerns, along with comments about how to handle EAS in exchanges with high local calling capability, language was added to the proposed rule clearly stating that companies may propose EAS for exchanges with over 80 percent local calling capability. These EAS routes will be considered outside the cost recovery provisions of this rule (and therefore will not be eligible for the CCF).

In response to WITA's concerns that small business problems were not adequately addressed, the provisions of the rule and their effect on small business has been

considered. The commission believes that the rule contains adequate protection for small local exchange companies, consistent with the regulation of telephone service. The staff points out that the rule provides for full recovery of costs at authorized levels of earnings, or gives the company the option to refuse implementation, subject to the commission's discretion to file a complaint and resolve the service, cost and rate issues on a full record.

Finally, the rule establishes the community calling fund to cushion the impact of compliance on customers of small telephone companies. Language identifying the fund as a temporary expedient is removed in the rule as adopted, but the rule requires the commission to review the fund in 1996 to determine whether it should be terminated at that time.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-400, 480-120-405, 480-120-410, 480-120-415, 480-120-420, 480-120-425, 480-120-430, and 480-120-435 should be adopted to read as set forth in Appendix A attached hereto and by this reference made a part hereof. WAC 480-120-400, 480-120-405, 480-120-410, 480-120-415, 480-120-420, 480-120-425, 480-120-430, and 480-120-435 as adopted will set forth the standards and procedures under which the commission will consider the creation of new extended area service routes.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-120-400, 480-120-405, 480-120-410, 480-120-415, 480-120-420, 480-120-425, 480-120-430, and 480-120-435 as set forth in Appendix A, be adopted as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 14th day of January, 1991.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

#### APPENDIX "A"

#### NEW SECTION

WAC 480-120-400 PURPOSE. The purpose of WAC 480-120-400 through WAC 480-120-435 is to set forth the standards and procedures under which the commission will consider the creation of new extended area service routes. The commission finds that the creation of extended area service routes is in the public interest, where the establishment of those routes meets the standards set forth in WAC 480-120-400 through

WAC 480-120-435. The commission further finds that where extended area service is offered by operation of WAC 480-120-400 through WAC 480-120-435, it is a local exchange calling service.

#### NEW SECTION

WAC 480-120-405 DEFINITION OF EXTENDED AREA SERVICE. (1) As used in this chapter, "exchange" shall be as defined in WAC 480-120-021.

(2) As used in this chapter, "extended area service" means mandatory, two-way, seven digit local calling service between exchanges that provides the ability to call from one exchange to another exchange without incurring a toll charge.

(3) As used in this chapter, "embedded extended area service routes" means those extended area service routes which exist prior to the effective date of WAC 480-120-400 through WAC 480-120-435.

(4) As used in this chapter, "local calling capability" means the percent of the total intrastate intraLATA minutes originating in an exchange that terminates within the local calling area, except where an interLATA extended area service route is proposed, in which case "local calling capability" means the percent of total intrastate minutes originating in an exchange that terminates within the local calling area. In calculating the local calling area, the local exchange company shall treat calling by foreign exchange subscribers as toll calling.

#### NEW SECTION

WAC 480-120-410 LOCAL CALLING CAPABILITY. (1) For each exchange whose local calling capability is below eighty percent the local exchange company shall identify extended area service routes to improve the local calling capability. The company shall consider those routes where, based on a three-month average, at least 50% of the customers of the qualifying exchange make two or more intraLATA toll calls per month to the other exchange. In determining whether an exchange meets these criteria, the company shall include relevant foreign exchange calling.

The commission may waive these criteria if it determines that it is in the public interest.

(2) In determining which exchanges to incorporate into an expanded local calling area, the local exchange company shall consider at least the following:

- (a) The most frequently called exchange;
- (b) The exchange to which there is the widest distribution of residential calling;
- (c) Exchanges that are contiguous to the local calling area of the exchange.

(3) Companies may propose extended area service for exchanges that do not qualify under the 80% threshold established in this rule. Except for routes that form part of a two-way EAS with qualifying exchanges, such routes will be considered outside of the revenue recovery provisions of this rule and will not be eligible for support from the community calling fund.

NEW SECTION

WAC 480-120-415 DETERMINATION OF EXTENDED AREA SERVICE ROUTES. (1) On or before March 31, 1991, and each five years thereafter, each local exchange telecommunications company shall file a study of each of its exchange(s)' local calling capability.

(2) The local exchange company shall notify the commission and the other affected local exchange companies (if the other exchange(s) is (are) served by another local exchange company) and the designated intraLATA toll carrier, of the existence of potential extended area service routes to expand local calling capability. The commission and the involved company(ies) shall review and set priorities for the potential extended area service routes.

(3) On or before June 30, 1991, and each five years thereafter, a company shall file a schedule with priorities for engineering studies to establish extended area service routes, if any, which meet the criteria of WAC 480-120-410.

(4) The affected companies shall thereafter develop a proposed schedule to establish individual extended area service routes. The schedule shall include a timetable for engineering studies and a proposed date to file an extended area service tariff, or a petition for waiver from the requirement to establish the extended area service route for the study exchanges. The companies shall make a good faith effort to arrive at an agreed upon schedule for implementation of the route(s) and shall share with each other all necessary data to arrive at a mutually agreeable schedule. The schedule to establish an extended area service route or routes shall be deemed to be a petition under WAC 480-09-420. Each petition for an extended area service route or routes shall be docketed separately.

(5) If a proposed schedule cannot be agreed to by all affected companies, the commission will establish a schedule after giving an opportunity for all affected companies to be heard. If the companies present an agreed upon schedule, the commission will approve it, unless the commission finds it requires change for good reason, based upon a record.

(6) Within thirty business days after completion of the engineering study, the local exchange company or companies shall file with the commission a schedule indicating the dates at which the following will be completed: a cost estimate; a revenue requirement; a proposed tariff; and an implementation date for the tariff.

(7) Where an extended area service route affects more than one local exchange company, each company shall prepare and file its own tariff and supporting documentation. Such tariffs are subject to suspension pursuant to the rules of the commission.

(8) At the time it files its proposed tariff, the local exchange company or companies shall notify their affected customers of the proposed changes in a form substantially similar to the notice prescribed by WAC 480-80-125.

NEW SECTION

WAC 480-120-420 REVENUE REQUIREMENTS AND RATE DESIGN. (1) The change in revenue requirement associated with (a) new extended area service route shall be calculated as the net of all cost and revenue changes for access, toll, if applicable, and engineering and plant costs. Non-traffic sensitive (carrier common line charges) access revenue reductions shall not be included in the calculation to the extent that the inclusion would reduce the non-traffic sensitive cost allocation below the percentage prescribed by the commission in Cause No. U-85-23 et al. or any subsequent access cost proceeding.

(2) The revenue requirement calculated according to subsection (1) of this section shall be recovered as follows:

(a) Rates for customers in exchanges that receive additional local calling area may include an increment of up to \$3.50 per residential single party access line per month. The increment should bear a reasonable relationship to the increase in the local calling area.

(b) Any remaining revenue requirement for the new local calling areas shall be recovered from current earnings, if appropriate, and then from all of a company's local exchange rates. If a local exchange company rejects this procedure, the commission reserves the right to file a complaint against the company's rates and services.

(c) For companies eligible for assistance from the community calling fund established by WAC 480-120-425, any revenue requirement remaining after local rates in each exchange have been increased up to a limit of \$12.50 exclusive of any increment charged pursuant to paragraph (2)(a) of this section per single party residential access line per month shall be recovered from the fund.

(d) All residential and business local rates are subject to the changes described in this section. The references to residential rates are for bench mark purposes. The increases for other local rates may be more or less than those amounts, depending on the rate design approved by the commission in each case.

NEW SECTION

WAC 480-120-425 COMMUNITY CALLING FUND. (1) A community calling fund is hereby created in order to transition and cushion the local rate effect of new extended area service on the customers of small local exchange companies. The community calling fund shall be administered by the Washington Exchange Carriers Association (WECA). WECA shall annually report and supply to the commission and all local exchange companies the status of the fund including the amount drawn by each recipient from the community calling fund.

(2) The community calling fund is to be funded by a charge based on all exchange access lines in the state of Washington.

(3) WECA shall annually calculate the amount required from the fund and local exchange companies may file a tariff to cover the charge calculated by WECA. If in an annual period the fund is excess to requirements,

the surplus shall be adjusted for the next annual period to reflect the revenue requirement to be funded by the charge. If at any time the revenue from the community calling fund charge is insufficient to cover eligible draws from the fund, WECA may seek an upward revision to the charge. Until such a new rate is approved by the commission and in effect, recipients from the fund shall be supported on a pro rata basis.

(4) If a local exchange company that serves fewer than one hundred fifty thousand access lines has proposed the local rate increases required by WAC 480-120-420; has a separated, intrastate rate of return of less than or equal to 11.13 percent or its authorized rate of return, whichever is less; and has increased local rates to the maximum reasonable level pursuant to Sec. 480-120-420(2), the local exchange company is eligible for support from the community calling fund. A local exchange company applying for support shall supply data to the commission to audit rate of return eligibility on an annual basis.

(5) The community calling fund shall be reviewed in 1996 to determine if the fund should be terminated on January 1, 1997, and if terminated, any remaining funds shall be returned on a pro rata basis to all local exchange customers in the state via bill credits.

#### NEW SECTION

WAC 480-120-430 IMPACT ON CURRENT COMPENSATION ARRANGEMENTS. WAC 480-120-400 through WAC 480-120-435 do not impact current compensation arrangements for embedded extended area service routes and those compensation arrangements may continue according to their terms. However, any local exchange company may petition the commission for support from the community calling fund for an embedded extended service route and if that petition is granted, any compensation arrangement for that route shall be terminated at the time community calling fund support is provided. The petition shall be filed and served upon interested parties and shall be accompanied by a petition to reopen the proceeding that established the current compensation arrangement. In considering any such petition, the commission will be guided by the eligibility standards of WAC 480-120-400 through WAC 480-120-435, but will not be bound by them if the record supports the desirability of funding from the community calling fund in lieu of the current compensation arrangements.

#### NEW SECTION

WAC 480-120-435 PETITION FOR WAIVER. Upon petition, the commission may waive WAC 480-120-400 through WAC 480-120-435 or any part.

### WSR 91-03-053 PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-335, Docket No. TG-900718—Filed January 14, 1991,  
4:26 p.m.]

In the matter of amending WAC 480-70-050, 480-70-060, 480-70-070, 480-70-100, 480-70-130, 480-70-150, 480-70-230, 480-70-260, 480-70-280, 480-70-330, 480-70-340, 480-70-350, 480-70-360, 480-70-390, 480-70-400, 480-70-405, 480-70-420, 480-70-440, 480-70-500, and 480-70-570 relating to solid waste collection companies.

This action is taken pursuant to Notice No. WSR 90-24-048 filed with the code reviser on November 30, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and chapter 81.77 RCW and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 90-24-048 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, January 9, 1991, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to December 31, 1990, and orally at 9:00 a.m., Wednesday, January 9, 1991, in the commission's hearing room above noted. At the January 9, 1991, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-70-050, 480-70-060, 480-70-070, 480-70-100, 480-70-130, 480-70-150, 480-70-230, 480-70-260, 480-70-280, 480-70-330, 480-70-340, 480-70-350, 480-70-360, 480-70-390, 480-70-400, 480-70-405, 480-70-420, 480-70-440, 480-70-500, and 480-70-570 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. These amendments will substitute the wording "solid waste" for that of "garbage and/or refuse" and set forth the meaning of "solid waste."

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-050, 480-70-060, 480-70-070, 480-70-100, 480-70-130, 480-70-150, 480-70-230, 480-70-260, 480-70-280, 480-70-330, 480-70-340, 480-70-350, 480-70-360, 480-70-390, 480-70-400, 480-70-405, 480-

70-420, 480-70-440, 480-70-500, and 480-70-570 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 14th day of January, 1991.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-321, filed 6/21/90)

WAC 480-70-050 DEFINITIONS. Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of these rules, be given the following meanings (~~hereinafter subjoined to them~~):

- (1) "State" means the state of Washington.
- (2) "Commission" means the Washington utilities and transportation commission.
- (3) "Certificate" means the certificate of public convenience and necessity authorized to be issued for the operation of ~~((garbage and/or refuse))~~ solid waste collection companies under the provisions of chapter 81.77 RCW, as amended.
- (4) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," "vehicle," "~~((garbage and refuse))~~ solid waste collection companies," shall have the meaning when used herein given to them by RCW 81.77.010 and by RCW 81.08-.010, 81.12.010, 81.77.015, 81.77.030, and 81.77.110.
- (5) "Garbage" includes but shall not be limited to offal or animal and vegetable wastes which may be mixed with refuse. Garbage includes scrap, waste materials, dead animals, discarded articles, garbage disposal, and swill. The term does not include sewage disposal or cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.
- (6) "Refuse" includes all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste materials; also it includes scrap, waste materials, rubbish, noncommercial lamp black, waste acid, sludge, broken building and fire bricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. The term does include earth or dirt mixed with refuse but not commercially salable earth which is used as fill, road ballast, aggregate, etc. NOTE: The incidental hauling of pure refuse as herein defined may be a part of a regular garbage collection and disposal service.
- (7) The phrase "the business of transporting (~~garbage and/or refuse~~) solid waste for collection and/or

disposal for compensation" used in RCW 81.77.010 applies only to those carriers who are primarily in the specialized business of transporting (~~garbage and refuse~~) solid waste for collection and/or disposal for all potential customers within a specified area. NOTE: Chapter 81.77 RCW, as amended, was not intended to cover operations of carriers whose business is other than the primary business of transporting (~~garbage and/or refuse~~) solid waste for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of (~~garbage and/or refuse~~) solid waste, need not secure a certificate under the provisions of chapter 81.77 RCW. In some instances, carriers may be engaged extensively in both motor freight carrier and in (~~garbage and/or refuse~~) solid waste hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate.

(8) "Biohazardous or biomedical waste" includes untreated solid waste of the following types:

(a) "Animal waste," which includes animal carcasses, body parts and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids," which includes liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks," which includes cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others from highly communicable infectious diseases which are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, . Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Asbettaarov, Hanzalova, Hypr, Humlinge, Kyassanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedure, "Pathological waste"



does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste," which includes hypodermic needles, syringe IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(9) "Biohazardous or biomedical waste generator," means any person, by site whose act or process produces infectious waste as defined in this rule, or whose act first causes an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purpose of this rule.

(10) "Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

(11) "Treatment" includes incineration, steam sterilization, or any method, technique, or process designed to change the biological character or composition of biohazardous or biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated shall not be considered biohazardous or biomedical, and may be considered to be solid waste for purposes of handling and disposal.

(12) "Shipping paper" means a shipping order, bill of lading, manifest or other shipping document serving a similar purpose and containing the information required in WAC 480-70-550.

(13) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences.

(14) Solid waste collection does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, nor collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW.

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 spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/89)

WAC 480-70-060 LICENSES. No motor vehicle shall be operated upon the public highways of this state by any ~~((garbage and refuse))~~ solid waste collection 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-5, filed 6/6/69)

WAC 480-70-070 CERTIFICATES, NO OPERATION WITHOUT. No ~~((garbage and/or refuse))~~ solid waste collection company shall operate, establish or begin operation of a line or route or serve any territory, or any extension, for the purpose of transporting ~~((garbage and/or refuse))~~ solid waste 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 or in such territory.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-100 CERTIFICATES, SECURED BY FALSE AFFIDAVIT. Any certificate to operate in the transportation of ~~((garbage and/or refuse))~~ solid waste for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

AMENDATORY SECTION (Amending Order R-26, filed 5/14/71)

WAC 480-70-130 TEMPORARY CERTIFICATES, APPLICATION FOR. Temporary certificates to engage in the business of operating a ~~((garbage and/or refuse))~~ solid waste collection company may be issued if such issuance is consistent with the public interest.

(1) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(a) A showing of an immediate and urgent need for the requested service;

(b) The presence or lack of available service capable of meeting the need; and

(c) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(2) When an applicant requests a temporary certificate to operate in territory that another carrier is authorized to serve, the commission shall notify the existing ~~((garbage and/or refuse))~~ solid waste collection company or companies authorized to serve the territory of the application and problem and shall issue the temporary certificate only if the existing ~~((garbage and/or refuse))~~ solid waste collection company or companies cannot or will not provide service to the satisfaction of the commission. Temporary certificates issued pursuant to this subsection will carry the following condition:

"This certificate is subject to cancellation any time within 20 days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority can and will provide service to the satisfaction of the commission."

(3) Temporary certificates may be issued for a period up to 180 days where the area or territory covered



thereby is not contained in the certificate of any other (~~garbage and/or refuse~~) solid waste collection company; in all other cases temporary certificates may be issued for a period not to exceed 120 days. Applications for temporary certificates shall conform to the requirements of WAC 480-70-120.

**AMENDATORY SECTION** (Amending Order R-240, filed 9/25/85)

WAC 480-70-150 CERTIFICATES, APPLICATIONS—NOTICE TO EXISTING CARRIERS. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder. Not included are applications for contract certificates under fully executed contracts with the United States of America or any agency thereof.

(2) Except as hereinafter provided, the commission shall notify by means of its weekly application docket all known existing (~~garbage and/or refuse~~) solid waste collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders or a (~~garbage and/or refuse~~) solid waste collection organization, association, or conference on behalf of such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Applications for authority to provide service to the United States of America or any agency thereof shall not be subject to docketing and protest.

**AMENDATORY SECTION** (Amending Order R-31, filed 10/18/71)

WAC 480-70-230 DUAL OPERATION. (1) (~~Garbage and/or refuse~~) solid waste collection companies which, after securing a certificate of public convenience and necessity under the provisions of chapter 295, Laws of 1961 [chapter 81.77 RCW], will also be operating under a common carrier or contract carrier permit issued pursuant to the provisions of chapter 81.80 RCW, who will use the same motor vehicle equipment in dual operations requiring both a certificate under chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, and a permit under the provisions of chapter 81.80 RCW, must properly identify equipment and pay applicable fees under the provisions of both statutes. There must be filed with the commission certificates of liability and property damage insurance, by which the insurance company agrees to provide the necessary insurance coverage for operation of the vehicle under both chapter 295, Laws of 1961 [chapter 81.77 RCW], and chapter 81.80 RCW.

(2) In cases of dual operation also requiring common and/or contract motor carrier permits issued under

chapter 81.80 RCW the operator shall file separate reports commencing with the calendar year 1972. Such motor carrier reports shall, at the minimum, contain the segregated revenues applicable to the operations under the motor carrier permit and shall contain a listing of the revenue equipment fully and partially dedicated to such operations and such expenses and net investment as are capable of direct assignment. However, companies filing separate reports under common or contract motor carrier permits and reporting over \$100,000 in annual gross operating revenues from such common or contract motor carrier operations must report on a fully separated basis, operating revenues, operating expenses and operating property together with related reserves for depreciation in order that net operating income as well as net investment under common or contract motor carrier permits can be determined. To the extent that these elements are not wholly directly assignable such reports must reflect separations based on reasonable allocations and apportionments.

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

**AMENDATORY SECTION** (Amending Order R-5, filed 6/6/69)

WAC 480-70-260 INSURANCE ENDORSEMENT. All liability and property damage insurance policies issued to (~~garbage and refuse~~) solid waste collection companies shall carry a uniform motor carrier bodily injury and property damage liability endorsement.

**AMENDATORY SECTION** (Amending Order R-5, filed 6/6/69)

WAC 480-70-280 SURETY BOND. Should a (~~garbage and/or refuse~~) solid waste collection company elect to file a surety bond in lieu of liability and property damage insurance such bond shall be in the following form:

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.

This bond is written in pursuance of and is to be construed in accordance with chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, 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 common or contract carrier (principal herein) under and by virtue of its or his permit and/or certificate issued by the Washington utilities and transportation commission.

SCHEDULE

On each motor vehicle used for the transportation of property and/or (~~garbage and refuse~~) solid waste:

- \$ 25,000 for any recovery for personal injury by one person, and
- \$100,000 for all persons receiving personal injury by reason of one act of negligence, and
- \$ 10,000 for damage to property of any person other than the principal

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, 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 principal by reason of any act of negligence on the part of said principal, its or his agents or employees in the operation of motor propelled vehicles in transporting property and/or (~~garbage and refuse~~) solid waste for compensation under its or his certificate issued by the Washington Utilities and Transportation Commission then this obligation is to be void, otherwise to remain in full force and effect.

PROVIDED: That if the total liability herein for any reason be decreased by payment made by the surety or otherwise, written notice of such decrease will be given forthwith to the Washington Utilities and Transportation Commission by the surety.

This bond may be canceled 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 within thirty days after the receipt of such notice by the Washington Utilities and Transportation Commission.

Signed, sealed and dated this ..... day of ....., 19...

.....  
Principal  
.....  
.....  
Surety

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

AMENDATORY SECTION (Amending Order R-295, filed 2/23/89)

WAC 480-70-330 DRIVERS, HOURS OF WORK. (1) 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 (~~garbage and/or refuse~~) solid waste collection companies operating under chapter 81.77 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-57, filed 11/7/73)

WAC 480-70-340 ANNUAL FEE. (1) Every (~~garbage and/or refuse~~) solid waste collection company shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof.

(2) Every statement of gross operating revenue so filed shall be accompanied by a fee based upon such gross operating revenue and at a rate to be fixed each year by notice or order of the commission. Such fee shall in no case be less than one dollar.

AMENDATORY SECTION (Amending Order R-313, filed 12/15/89)

WAC 480-70-350 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) Effective January 1, 1989, a "uniform system of accounts" is hereby prescribed for use of (~~garbage and/or refuse~~) solid waste collection companies in the state of Washington operating under chapter 295, Laws of 1961 (chapter 81.77 RCW).

(2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:

- Class A - Those carriers having an annual yearly gross revenue of \$500,000 or over per year.
- Class B - Those carriers having an annual yearly gross revenue of less than \$500,000 per year.

As set forth in the above classification, any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

(3) Each (~~garbage and/or refuse~~) solid waste collection company must secure from the commission a copy of the "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, (~~garbage and/or refuse~~) solid waste collection companies shall secure from the commission the proper forms and

make and file annual reports as soon after the close of the calendar year as possible, but in no event later than May 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the ~~((garbage and/or refuse))~~ solid waste collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the ~~((garbage and/or refuse))~~ solid waste collection company operated and shall show on the face thereof the exact period covered thereby.

(6) Each ~~((garbage and/or refuse))~~ solid waste collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route order, for a period of three years subject to inspection by the commission so that the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-360 CONTRACTS. (1) Contracts between contract carriers and their shippers shall be terminable within the period for which they are written only in the manner provided in the contract and upon not less than five days' notice to the commission and each contracting party, and every such contract shall so provide.

(2) No contract carrier shall operate under any individual contract or agreement for the transportation of ~~((garbage and/or refuse))~~ solid waste by motor vehicle, for compensation, with any shipper or shippers without having first filed with the Washington utilities and transportation commission, and having been approved by the commission, an original or duplicate original contract covering such agreement. Every such agreement shall be mutually binding upon both shipper and carrier, entered into and performed in good faith, for an agreed compensation, for an agreed term, covering a series of shipments during a stated period of time, in contrast to contracts of carriage covering individual shipments, and which contract mutually binds the carrier to transport, and the shipper to supply, a specific category and substantial amount of ~~((garbage and/or refuse))~~ solid waste

during the term of the contract, and which contract shall conform to the following requirements:

(a) The time or term of performance by both parties must be stated.

(b) The route and/or area involved in the performance of the contract must be stated.

(c) The kind and minimum quantity of the commodity or commodities to be transported must be stated definitely. This minimum quantity shall be a substantial amount of all tonnage of the class of commodities which is the subject of the contract, shipped by the shipper by truck during the term of the contract over the route or in the area covered by the contract. A "substantial" amount of tonnage shall be an amount sufficient to make possible the operation of the carrier's own equipment at a profit.

(3) Where a contract carrier enters into more than four special and individual contracts with shippers, the commission may enter into a hearing for the purpose of determining whether such carrier's operations are those of a bona fide contract carrier.

(4) Every contract filed shall also contain the provisions that it is made subject to the power and authority of the commission to fix, alter and amend just, fair, and reasonable classifications, rules and regulations, and minimum rates and charges of contract carriers in intrastate service.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-390 DISCONTINUANCE OF SERVICE, COMMISSION APPROVAL REQUIRED. No ~~((garbage and/or refuse))~~ solid waste collection company shall discontinue the service called for under its certificate and tariff 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.

AMENDATORY SECTION (Amending Order R-295, filed 2/23/89)

WAC 480-70-400 EQUIPMENT—SAFETY. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States Department of

Transportation in Title 49, Code of Federal Regulations, part 383, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 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 October 1, 1988, are adopted and prescribed by the commission to be observed by all (~~garbage and/or refuse~~) solid waste collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all (~~garbage and/or refuse~~) solid waste collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every (~~garbage and/or refuse~~) solid waste collection company operating under chapter 81.77 RCW who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) 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 (~~garbage and/or refuse~~) solid waste collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) 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.

(iii) 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.

(iv) Section 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(e) 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 (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(f) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, part 391 and part 395, adopted in this section, such term shall mean a motor vehicle that:

(i) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(ii) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(iii) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

#### AMENDATORY SECTION (Amending Order R-295, filed 2/23/89)

WAC 480-70-405 ACCIDENT REPORTING. (1) Accidents occurring in this state arising from or in connection with the operations of any (~~garbage and/or refuse~~) solid waste company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, 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 number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-420 PENALTY ASSESSMENTS. In addition to all other penalties provided by law, every (~~garbage and/or refuse~~) solid waste collection company and every officer, agent, or employee of every such

company who violates or procures, aids, or abets in the violation of any law, rule, regulation, or commission decision applicable to such company shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation.

**AMENDATORY SECTION** (Amending Order R-5, filed 6/6/69)

WAC 480-70-440 ((~~GARBAGE AND REFUSE~~)) **SOLID WASTE COLLECTION COMPANIES STATUTE APPLICABLE.** ((~~Garbage and refuse~~)) solid waste collection companies are subject to the following statutes:

RCW 81.04.130	*Suspension of tariff changes
RCW 81.04.405	Penalties for violations by public service companies
RCW 81.28.010	Duties of carriers as to rates and charges
RCW 81.28.040	*Tariff schedules to be filed
RCW 81.28.050	*Tariff changes, statutory notice
RCW 81.28.080	Published rates to be charged
RCW 81.28.180	Rate discrimination prohibited
RCW 81.28.190	Unreasonable preferences prohibited
RCW 81.28.210	Rebating prohibited
RCW 81.28.230	Upon complaint or own motion commission shall fix reasonable rates.

\*Also contained in rules of tariff circular 6.

**AMENDATORY SECTION** (Amending Order R-321, filed 6/21/90)

WAC 480-70-500 **OPERATIONAL REQUIREMENTS.** For those certificated ((~~garbage~~)) solid waste collection companies handling biohazardous or biomedical waste as defined in WAC 480-70-050, the following requirements shall apply:

An operational plan shall be prepared for handling and transporting biohazardous or biomedical waste which shall include:

(1) A method of receiving biohazardous or biomedical waste that ensures that biohazardous or biomedical waste is handled separately from other solid waste until treatment or disposal, and that prevents unauthorized persons from having access to or contact with the biohazardous or biomedical waste;

(2) A method of loading and unloading biohazardous or biomedical waste that limits the number of persons handling the waste and minimizes the possibility of exposure to biohazardous or biomedical waste of employees and the public;

(3) A method of decontaminating transport vehicles used to haul biohazardous or biomedical waste;

(4) Provision of and required use of clean gloves and uniforms along with other protective clothing to provide protection of those employees required to load, unload, and transport biohazardous or biomedical waste;

(5) A means of decontaminating any person having had bodily contact with a biohazardous or biomedical waste while transporting the waste to the treatment, storage, or disposal site.

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 R-321, filed 6/21/90)

WAC 480-70-570 **REPORTING OF ACCIDENTS.** (1) Each common or contract ((~~garbage~~)) solid waste hauler transporting biohazardous or biomedical waste in this state shall report to the commission as soon as possible, but in no event later than twelve hours after any leakage or spillage of biohazardous or biomedical waste which could endanger employees of the carrier or the public at the scene of an accident or any accident involving injury to any person, death of any person, or property damage. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents described in subsection (1) of this section shall be filed with the commission and maintained in the main office of the carrier subject to inspection by the commission.

**WSR 91-03-054**

**EMERGENCY RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 14, 1991, 4:52 p.m.]

Date of Adoption: January 14, 1991.

Purpose: To revise requirements for mailing notices to employers when workers file unemployment claims, and removing requirements to make determinations of eligibility in certain cases.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-305 and 192-12-310; amending WAC 192-12-300, 192-12-320, and 192-12-330.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

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: Reduction of federal administrative funding for the department requires changes in procedures to lessen administrative costs. Rule-making proceedings for a permanent change of these and related rules will be commenced in the near future.

Effective Date of Rule: Immediately.

January 14, 1991  
Ernest F. LaPalm  
Deputy Commissioner

NEW SECTION

WAC 192-12-370 **LAST EMPLOYER RULE** (1) For the purpose of determining eligibility for benefits pursuant to RCW 50.20.050, only the separation from the last employer will be considered.

(2) For the purpose of determining eligibility for benefits pursuant to RCW 50.20.060(1), only the separation from the last employer will be considered.

(3) For the purpose of determining eligibility for benefits pursuant to RCW 50.20.060(2), any separation subsequent to the beginning of an individual's base year will be considered.

AMENDATORY SECTION (Amending Order 4-89, filed 10/4/89, effective 10/9/89)

WAC 192-12-300 **MAILING ADDRESSES FOR NOTICE TO EMPLOYER**. Notices to employers mailed as required in RCW 50.20.150 and WAC 192-12-310 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the mailing address of record of the employer provided by the employer for tax purposes.

~~((3) The notice to any other base year employer will be mailed to the address provided by the claimant.))~~

AMENDATORY SECTION (Amending Order 4-89, filed 10/4/89, effective 10/9/89)

WAC 192-12-320 **MAILING OF DETERMINATION NOTICES**. RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.

(1) The claimant will be mailed a notice of determination

(a) That denies the claimant benefits, or

(b) That allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

~~((3) A determination of eligibility will be made and a notice mailed to any base year employer~~

~~(a) From whom the claimant was separated from employment for reasons other than lack of work, and~~

~~(b) The claimant has not been employed and had earnings of at least his or her weekly benefit amount in each of five weeks subsequent to the separation, or~~

~~(c) The employer provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.~~

~~((4) A determination of eligibility of benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.))~~

AMENDATORY SECTION (Amending Order 4-89, filed 10/4/89, effective 10/9/89)

WAC 192-12-330 **PREDETERMINATION PROCEDURE—SEPARATION ISSUE**. (1) No determination on a separation issue (RCW 50.20.050, 50.20.060) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-12-310, the department may at that time make a determination based on available information.

(3) If the department receives information from the employer after the end of the ten day response period, but before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the job service center where the claim was filed.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a determination, the department may consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

~~((5) Any information received within thirty days of the mailing of the notice required by WAC 192-12-310 will be considered a request for relief of benefit charges under RCW 50.29.020.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-12-305 **CLAIMANT RESPONSIBILITY FOR PROVIDING ACCURATE EMPLOYER ADDRESS**.

WAC 192-12-310 **NOTICE TO EMPLOYER**.

**WSR 91-03-055****PREPROPOSAL COMMENTS  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 14, 1991, 4:54 p.m.]

Subject of Possible Rule Making: The Unemployment Insurance Division is considering rule making in the area of which separations from employment are to be considered when determining the eligibility for benefits for a worker who has filed for unemployment insurance benefits. Specifically to be considered is the longstanding agency policy regarding the "last employer rule," the direction of the court in *Othello Comm'ty Hosp. vs. Department of Empl. Sec.*, 59 Wa. App. 592, 762 P.2d 1149 (1988), and the policies and procedures for notifying employers that claims for benefits have been filed.

Persons may comment on this subject in writing, Employment Security Department, Rules Coordinator, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, until April 15, 1991.

Other Information or Comments by Agency at this Time, if any: The agency is performing a study of the effect of potential changes to current rules while operating with emergency rules in place. Individuals who comment as a result of this notice will receive copies of the results of any studies and additional notification of any related rule making.

January 14, 1991  
Ernest F. LaPalm  
Deputy Commissioner

**WSR 91-03-056**  
RULES COORDINATOR  
UNIVERSITY OF WASHINGTON  
[Filed January 15, 1991, 10:42 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the University of Washington is Melody Tereski, Administrative Procedures Officer, Rules Coordination Office A1-10, Administration 448, University of Washington, 98195, phone (206) 543-2560.

Norman Arkans  
Assistant Vice President  
University Relations

**WSR 91-03-057**  
PREPROPOSAL COMMENTS  
DEPARTMENT OF REVENUE  
[Filed January 15, 1991, 11:38 a.m.]

Subject of Possible Rule Making: WAC 458-20-109 Finance charges, carrying charges, interest, penalties.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, Olympia, Washington 98504, Mailstop AX-02. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on February 27, 1991, at 10:00 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: A rule draft is available upon request. Contact Roseanna Hodson (206) 586-4281. The department is considering amending this rule to clarify how finance charges and interest is taxable. A change is being considered to treat income from late charges billed by persons in the utility business as taxable under the service B&O classification rather than under the utility tax.

January 15, 1991  
Les Jaster  
Rules Coordinator

**WSR 91-03-058**  
PREPROPOSAL COMMENTS  
DEPARTMENT OF REVENUE  
[Filed January 15, 1991, 11:40 a.m.]

Subject of Possible Rule Making: WAC 458-20-110 Freight and delivery charges.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Les Jaster, Rules Coordinator, Department of Revenue, Interpretation and Appeals, General Administration Building, Mailstop AX-02, Olympia, Washington 98504. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on February 27, 1991, at 10:00 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: A rule draft is available upon request. Contact Roseanna Hodson (206) 586-4281. The rule will clarify that delivery charges are virtually in all cases part of the selling price when the seller is responsible for delivery of the product.

January 15, 1991  
Les Jaster  
Rules Coordinator

**WSR 91-03-059**  
NOTICE OF PUBLIC MEETINGS  
TRAFFIC SAFETY COMMISSION  
[Memorandum—January 15, 1991]

QUARTERLY MEETING  
January 22, 1991  
1:30 p.m.

The next meeting of the Washington Traffic Safety Commission is scheduled for April 23, 1991, at 1:30 p.m. in the Washington Traffic Safety Commission conference room.

**WSR 91-03-060**  
RULES COORDINATOR  
DEPARTMENT OF  
GENERAL ADMINISTRATION  
[Filed January 15, 1991, 3:13 p.m.]

Ms. Vicki Toyohara is our agency's designated Rules Coordinator. Ms. Toyohara's mailing address is: Department of General Administration, Division of Administrative Services, 218 General Administration Building, Mailstop AX-22, Olympia, WA 98504, phone (206) 753-4243.

Ted Masumoto  
Assistant Director  
Division of Administrative  
Services



**WSR 91-03-061**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLEVUE COMMUNITY COLLEGE**  
 [Memorandum—January 15, 1991]

The regular meetings of the board of trustees of Community College District VIII for 1991 will be held on the following dates:

January 8  
 February 5  
 March 19  
 April 9  
 May 14  
 June 11  
 July 9  
 August 14  
 September 10  
 October 8  
 November 14  
 December 10

The meetings will begin at 12 noon in the Bellevue Campus Cafeteria with a discussion of agenda items and at 1:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington, for a business session. If the second Tuesday is a legal holiday, the meeting will be held if at all possible on the third Tuesday of the month or soon thereafter or as otherwise announced. In the event the board of trustees is unable to meet on the regular meeting date, a special meeting may be scheduled and held if at all possible on the third Tuesday of the month or soon thereafter or as otherwise announced. In the event the board of trustees is unable to meet, the chairman of the board may order that no regular meeting of the board of trustees be held that month.

**WSR 91-03-062**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed January 16, 1991, 8:46 a.m.]

**Original Notice.**

Title of Rule: WAC 230-02-240 Gambling manager defined; 230-02-505 Recreational gaming activity—Defined; 230-04-022 Certification procedure—Information required from all applicants; 230-04-120 Licensing of distributors; 230-04-187 Recreational gaming activity—Permit required; 230-04-190 Issuance of license; 230-04-201 Fees; 230-12-100, Licensees shall closely monitor all activities; 230-12-305 Licensee required to submit updated documents or information; 230-25-110 Fund raising event—Use of equipment, lease or rental from licensee only; and 230-25-330 Recreational gaming activity—Rules for play.

**Purpose:** Provides a definition of the term "manager" as used in current rules; provides a definition of the term "recreational gaming activity" as used in current rules; outlines information required from applicants for gambling licenses; guidelines for distributors of gambling equipment; provides for permit requirement to conduct a recreational gaming activity; allows for issuance of a

permit to conduct recreational gaming activity; provides for a fee to conduct a recreational gaming activity; clarifies the responsibilities of a gambling manager; outlines the requirements of a licensee to submit updated documents; allows for an organization to lease its fund raising event equipment; and provides for play for a recreational gaming activity.

**Statutory Authority for Adoption:** Chapter 9.46 RCW.

**Statute Being Implemented:** Chapter 9.46 RCW.

**Summary:** Describes the typical duties of a manager of gambling activities; describes a recreational gaming activity; describes the information required from all applicants for gambling licenses; provides rules for distributors of gambling equipment and their licensing; allows any qualified organization to utilize fund raising event equipment for amusement only; describes the procedure for issuance of a permit to conduct a recreational gaming activity; provides license classes and fees related to recreational gaming activities; describes responsibilities of licensees to closely monitor all gambling activities; describes the licensees requirement to provide the commission with updated documents and information; outlines the use of equipment, lease or rental of fund raising event equipment; and describes rules for play of a recreational gaming activity.

**Name of Agency Personnel Responsible for Drafting and Enforcement:** Frank L. Miller, Deputy Director, Lacey, (206) 438-7640; and **Implementation:** Ronald O. Bailey, Director, Lacey, 438-7640.

**Name of Proponent:** Washington State Gambling Commission and Fund Raising Event Committee, private and governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Defines a term used in the rules; defines a new activity and codifies an existing policy of "fun nights"; incorporates the definition of a gambling manager and requires certain information during the application procedure; allows licensed distributors to lease fund raising event equipment for recreational gaming activities; allows qualified organizations to utilize professional gambling equipment for amusement only; allows the issuance of a permit for a nongambling activity; provides a fee for a permit for a new activity; clarifies the responsibilities of a gambling manager; provides for additional compliance to business ownership disclosure information; allows qualified organizations to lease professional gambling equipment conditionally without obtaining a license; and outlines rules for operating a recreational gaming activity.

**Proposal Changes the Following Existing Rules:** All proposed changes expand or clarify the scope of existing rules.

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

The agency has considered whether these rule changes would create an economic impact on small businesses as defined by chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons: No cost or



expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Nendel's, 2800 Pacific Avenue, Everett, WA 98201, on March 8, 1991, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by March 6, 1991.

Date of Intended Adoption: March 8, 1991.

January 15, 1991

Frank L. Miller  
Deputy Director

#### NEW SECTION

**WAC 230-02-240 GAMBLING MANAGER DEFINED.** A "gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized gambling activities and has the authority to make decisions regarding the operation of gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A gambling manager may be: an owner; partner; officer of a corporation; or a designee of any of the above. A gambling manager's duties typically include: hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies.

#### NEW SECTION

**WAC 230-02-505 RECREATIONAL GAMING ACTIVITY - DEFINED.** A recreational gaming activity is a non-gambling activity utilizing gambling devices authorized for use in fund raising events, conducted no more than two times per year, by or on behalf of an organization that has been in existence for at least six months. Only members and guests of the sponsoring organization may participate and such activity shall be subject to the requirements of WAC 230-25-330.

**AMENDATORY SECTION** (Amending Order 190, filed 4/18/89, effective 7/1/89)

**WAC 230-04-022 CERTIFICATION PROCEDURE—INFORMATION REQUIRED FROM ALL APPLICANTS.** In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(1) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(2) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and Social Security number of each paid employee or agent who will work in the activity for which the license is sought and a schedule of the proposed number of employees, job descriptions, and a proposed pay schedule;

(6) For each person listed below, a completed copy of the commission's form entitled "Personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(d) Each gambling manager as defined by WAC 230-02-240.

(7) If any information required on the application, changes or becomes inaccurate in any way, the commission shall be notified prior to issuance of a license. Failure to notify the commission of any changes affecting an application may constitute grounds for suspension or revocation of all licenses.

(8) Sections (1), (2), and (6) shall not apply to applications by or on behalf of an incorporated city or town in the state of Washington.

**AMENDATORY SECTION** (Amending Order 201, filed 11/27/89, effective 12/28/89)

**WAC 230-04-120 LICENSING OF DISTRIBUTORS.** (1) Prior to selling or supplying to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission for one or more of the following separate licensed activities:

(a) Punchboards;

(b) Pull tabs;

(c) Devices for the dispensing of pull tabs;

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events, or recreational gaming activity; and

(e) Electronic cranes.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The business name and address of each of the separate locations operated by the distributor;

(c) The name and home address of all owners if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, each director, and each stockholder having ten percent or more of the shares of any class of stock in the corporation;

(d) A full description of each type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;

(3) For each such device, the brand name under which it will be sold;

(4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

(5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

#### NEW SECTION

**WAC 230-04-187 RECREATIONAL GAMING ACTIVITY - PERMIT REQUIRED.** Any organization wanting to conduct a recreational gaming activity must complete the appropriate form and secure a recreational gaming permit from the commission at least fourteen days prior to commencement. The fee for such activity shall be fifty dollars per activity.

**AMENDATORY SECTION** (Amending Order 203, filed 1/18/90, effective 2/18/90)

**WAC 230-04-190 ISSUANCE OF LICENSE.** (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

(a) Bingo;

(b) Raffles;

(c) Amusement games;

(d) Punchboards and pull tabs;

(e) Social cards; and

(f) Electronic cranes.

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona

fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

(7) Commercial electronic cranes.

(a) Electronic crane operator - The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1): PROVIDED, That if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.

(b) Electronic crane separate premises - The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.

(8) Manufacturers and distributors of gambling equipment, paraphernalia and electronic cranes. The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs and electronic cranes; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events, recreational gaming activities and electronic cranes;

(9) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment, paraphernalia and electronic cranes.

(10) Recreational Gaming Activity Permit. The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

~~((+))~~ (11) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~((+))~~ (12) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

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 201, filed 11/27/89, effective 12/28/89)]**

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual gross receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 15,000	150
Class C	Up to \$ 25,000	250

LICENSE TYPE		DEFINITION	FEE
Class D		Up to \$ 50,000	400
Class E		over \$50,000	700
2.	<b>BINGO GROUP</b>		
	<b>CLASS</b>	(Fee based on annual gross gambling receipts)	
	<b>I</b>	Up to \$15,000	\$ 50
	Class A	\$ 15,001 to 50,000	150
	Class B	\$ 50,001 to 100,000	300
	Class C	\$ 100,001 to 300,000	800
	Class D	\$ 300,001 to 500,000	1,350
	Class E	\$ 500,001 to 1,000,000	2,700
	<b>II</b>	\$ 1,000,001 to 1,500,000	3,900
	Class G	\$ 1,500,001 to 2,000,000	5,200
	Class H	\$ 2,000,001 to 2,500,000	6,500
	Class I	\$ 2,500,001 to 3,000,000	7,800
	Class J	\$ 3,000,001 to 3,500,000	8,750
	<b>III</b>	\$ 3,500,001 to 4,000,000	10,000
	Class K	Over \$4,000,000	11,250
	Class L		
	Class M		
3.	<b>BINGO GAME MANAGER</b>	Original	\$ 150
		Renewal	75
4.	<b>CARD GAMES</b>		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, and/or cribbage - (fee to play charged)	150
	Class C	Tournament only - no more than ten consec. days per tournament	50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	<b>CHANGES</b>		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s))	25
	LICENSE CLASS	(See WAC 230-04-325)	25
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	IDENTIFICATION STAMPS	(See WAC 230-04-290)	25
		(See WAC 230-30-016)	25
6.	<b>FUND RAISING EVENT</b>		
	Class A	One event not more than 24 consec. hrs.	\$ 300
	Class B	One event not more than 72 consec. hrs.	500
	Class C	Additional participant in joint event (not lead organization)	150
	<u>Class D</u>	<u>Fund Raising Event Equipment Distributor - Rents or leases, equipment for fund raising event or recreational gaming activity more than 4 times per year.</u>	<u>200</u>
	<u>Class E</u>	<u>Fund Raising Event Equipment Distributor - Rents or leases equipment for fund raising event or recreational gaming activity more than 10 times per year.</u>	<u>500</u>
		<u>NOTE: Charitable and nonprofit organizations licensed to conduct fund raising events may rent equipment up to four occasions without getting licensed as a distributor.</u>	
7.	<b>PERMITS ((Class A))</b>	Agricultural fair/special property bingo	\$ 25
		One location and event only (see WAC 230-04-191)	
		<b>Recreational Gaming Activity Permit (RGA) (see WAC 230-25-330 amd WAC 230-02-505)</b>	<u>50</u>
8.	<b>PUNCHBOARDS/ PULL TABS</b>	(Fee based on annual gross gambling receipts)	
	Class A	Up to \$ 50,000	(One time variance) \$ 475
	Class B	Up to \$ 100,000	\$ 850
	Class C	Up to \$ 200,000	\$ 1,600
	Class D	Up to \$ 300,000	\$ 2,325

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
Class E	Up to \$ 400,000	\$10,000 3,000
Class F	Up to \$ 500,000	\$10,000 3,625
Class G	Up to \$ 600,000	\$10,000 4,200
Class H	Up to \$ 700,000	\$10,000 4,725
Class I	Up to \$ 800,000	\$10,000 5,200
Class J	Up to \$ 1,000,000	\$20,000 5,900
Class K	Up to \$ 1,250,000	\$25,000 6,550
Class L	Up to \$ 1,500,000	\$25,000 7,150
Class M	Up to \$ 1,750,000	\$25,000 7,650
Class N	Up to \$ 2,000,000	\$25,000 8,100
Class O	Over \$2,000,000	Non-Applicable 8,900

A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.

9.	<b>RAFFLES</b>	(Fee based on annual gross gambling receipts)	
	Class A	Up to \$ 5,000	\$ 50
	Class B	Up to \$ 10,000	150
	Class C	Up to \$ 25,000	300
	Class D	Up to \$ 50,000	500
	Class E	Up to \$ 75,000	800
	Class F	Over \$ 75,000	1,200

10.	<b>SEPARATE PREMISES BINGO</b>	Occasion (see WAC 230-04-300)	\$ 25
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11.	<b>SPECIAL FEES</b>		
	INVESTIGATION	(See WAC 230-04-240)	As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
	EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required

12.	<b>SIX-MONTH PAYMENT PLAN</b>	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. <b>SIX-MONTH PAYMENT PLAN PROCEDURE:</b> The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25
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Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1.	<b>CARD GAMES</b>	
	Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage
	Class C	Tournament only, no more than ten consec. days per tournament
	Class D	General (no fee to play charged)
		\$ 150
		150
		50

LICENSE TYPE	DEFINITION	FEE
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
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2.	CHANGES	
	NAME (See WAC 230-04-310)	\$ 25
	LOCATION (See WAC 230-04-320)	25
	BUSINESS CLASSIFICATION (Same owners - see WAC 230-04-340(3))	50
	LICENSE CLASS (See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	DUPLICATE LICENSE (See WAC 230-04-290)	25
	OWNERSHIP OF STOCK (See WAC 230-04-340(1))	50
	REPLACEMENT IDENTIFICATION STAMPS (See WAC 230-30-016)	25
	LICENSE TRANSFERS (See WAC 230-04-125, 230-04-340 and 230-04-350)	50
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3.	DISTRIBUTOR	
	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a)	Class A Non-Punchboard/pull tab only	\$ 500
	Class B Up to \$250,000	\$1,000
	Class C \$250,001 to \$500,000	\$1,500
	Class D \$500,001 to \$1,000,000	\$2,000
	Class E \$1,000,001 to \$2,500,000	\$2,600
	Class F Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
(b)	Fund Raising Event Equipment Distributor	
	Class A. Rents or leases equipment for fund raising event or recreational gaming activity up to ten times per year.	\$ 200
	Class B. Rents or leases equipment for fund raising event or recreational gaming activity more than ten times per year.	\$ 500
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4.	DISTRIBUTOR'S REPRESENTATIVE	
	Original	\$ 200
	Renewal	125
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5.	ELECTRONIC CRANE SEPARATE PREMISES	
	(For locations only see WAC 230-04-190)	
	Original	\$ 250
	Renewal	150
<hr/>		
6.	MANUFACTURER	
	(Fee based on annual gross sales of gambling related supplies and equipment)	
	Class A Machines Only	\$ 500
	Class B Up to \$250,000	\$1,000
	Class C \$250,001 to \$500,000	\$1,500
	Class D \$500,001 to \$1,000,000	\$2,000
	Class E \$1,000,001 to \$2,500,000	\$2,600
	Class F Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
<hr/>		
7.	MANUFACTURER'S REPRESENTATIVE	
	Original	\$ 200
	Renewal	125

LICENSE TYPE	DEFINITION	FEE
8. PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25  150
9. PUBLIC CARDROOM EMPLOYEE	Original  Renewal	\$ 150  75
10. PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K Class L Class M Class N Class O	(Fee based on annual gross gambling receipts) (One Time Variance) Up to \$ 50,000 \$ 5,000 Up to \$ 100,000 \$ 5,000 Up to \$ 200,000 \$10,000 Up to \$ 300,000 \$10,000 Up to \$ 400,000 \$10,000 Up to \$ 500,000 \$10,000 Up to \$ 600,000 \$10,000 Up to \$ 700,000 \$10,000 Up to \$ 800,000 \$10,000 Up to \$ 1,000,000 \$20,000 Up to \$ 1,250,000 \$25,000 Up to \$ 1,500,000 \$25,000 Up to \$ 1,750,000 \$25,000 Up to \$ 2,000,000 \$25,000 Over \$2,000,000 Non-Applicable	\$ 475 850 1,600 2,325 3,000 3,625 4,200 4,725 5,200 5,900 6,550 7,150 7,650 8,100 8,900
A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.		
11. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240)  (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required  As Required As Required
12. SPECIAL LOCATION/ ELECTRONIC CRANE OPERATOR AMUSEMENT GAMES Class A Class B Class C Class D Class E Class F	(Fee based on annual gross receipts)  Up to \$50,000 \$ 50,001 to \$ 100,000 100,001 to 250,000 250,001 to 500,000 500,001 to 1,000,000 Over 1,000,000	\$ 500 900 2,000 3,500 6,000 7,500
13. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period.	\$ 25

LICENSE TYPE	DEFINITION	FEE
	Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	

**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.

**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.

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

#### NEW SECTION

WAC 230-12-100 LICENSEES SHALL CLOSELY MONITOR ALL ACTIVITIES. Each licensee shall designate a gambling manager for each activity operated. The gambling manager or his designee must be on the premises anytime gambling activities are conducted and is responsible for monitoring all gambling activities to insure:

- (1) No frauds are committed against players;
- (2) All activities are conducted in accordance with published procedures and rules of the commission are followed; and
- (3) All records required to be completed during the activity are completed.

AMENDATORY SECTION (Amending Order 136 [167], filed 9/13/83 [4/14/87], effective 9/13/83)

WAC 230-12-305 LICENSEE REQUIRED TO SUBMIT UPDATED DOCUMENTS OR INFORMATION. In addition to any other requirements set forth in these rules, the persons licensed by the Commission shall be required to submit any changes in the following documents or information on file with the Commission:

- (1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;
- (2) Internal Revenue Service tax exemption status (charitable/non-profit organizations only); and
- (3) All leases, rental, consignment, franchise, or other agreements relating to gambling activities or altering the commercial stimulant business, whether oral or written; and
- (4) All loans, from other than recognized financial institutions, which individually or collectively exceed a total of \$2,000.00 during any calendar year.

The new or updated documents and/or information shall be submitted to the Commission by notation on the next quarterly activity report filed, and by attaching all details concerning each transaction: Provided, that licensees not required to submit quarterly activity reports shall submit the required information no later than (60) days following the transaction(s) date.

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

AMENDATORY SECTION (Amending Order 183, filed 9/13/88)

WAC 230-25-110 FUND RAISING EVENT—USE OF EQUIPMENT, LEASE OR RENTAL FROM LICENSEE ONLY. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices and/or fund raising event equipment shall be authorized to sell or lease gaming equipment

~~((and pull tabs))~~ to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment and pull tabs for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: Provided, commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: Provided further, a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee(s) for up to four events per year without being licensed as a distributor of funding raising event equipment.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: Provided, however, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event.

#### NEW SECTION

WAC 230-25-330 RECREATIONAL GAMING ACTIVITY – RULES FOR PLAY. An organization or association issued a permit shall conduct a recreational gaming activity in accordance with the following rules:

- (1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund raising event equipment or a licensee authorized to conduct fund raising events (not applicable to homemade, nonprofessional devices);
- (2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;
- (3) Script or chips having no value shall be utilized for each activity;
- (4) There shall be no fee charged for the opportunity to participate or enter the premises, Provided: An organization may charge a fee for an accompanying diner, meal or entertainment associated with the activity, as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;
- (5) An organization may utilize a scheme whereby participants can redeem their script or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;
- (6) The activity shall be limited to eight hours. The director may for good cause shown, grant additional time;
- (7) The sponsoring organization must notify local law enforcement officials at least en days prior to the commencement of the activity, and specify the date, time and location of the activity.

**WSR 91-03-063**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**  
 [Order 219—Filed January 16, 1991, 8:50 a.m.]

Date of Adoption: January 11, 1991.

Purpose: Determines the initiation of adjudicated proceedings and hearings. Repeals a rule outlining a test which has expired.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-20-699; and amending WAC 230-50-030.

Statutory Authority for Adoption: RCW 9.46.070 and chapter 34.05 RCW.

Pursuant to notice filed as WSR 90-21-052 on October 15, 1990.

Effective Date of Rule: Thirty-one days after filing.  
 January 15, 1991  
 Ronald O. Bailey  
 Director

**REPEALER** (Amending Order 196, filed 8/15/89, effective 9/15/89)

**WAC 230-20-699 SPECIAL AMUSEMENT GAME LICENSE—TEST AT LIMITED LOCATIONS.**

**Reviser's note:** The unnecessary amending string on the repealer above appears as filed by the agency pursuant to RCW 34.08.040.

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

**WAC 230-50-030 ADJUDICATED PROCEEDINGS — HEARINGS — INTERPRETER — TIMING.** Hearings conducted as part of adjudicated proceedings provided for in WAC 230-50-010 shall be initiated as follows:

(1) The chair person of the commission, some member of the commission acting in the absence of the chairperson or the director, shall give written approval to initiate a notice of administrative charges and opportunity for an adjudicated proceeding. After such approval is granted, the entire commission file and/or record on the licensee shall be forwarded to the assistant attorney general assigned to prosecute at the hearing. The notice shall be served upon the licensee or applicant in accordance with WAC 230-50-010. An application for adjudicated proceeding and request for hearing must be filed with the commission pursuant to WAC 230-50-010.

(2) Upon receipt of an application for adjudicated proceeding and request for hearing form, the director shall issue a notice of hearing. The notice of hearing shall contain all charges upon which the hearing will be conducted, and shall be served on the licensee, applicant, permittee or attorney representing the party at least 7 days prior to the date of the hearing. A copy of the notice of hearing shall be served upon the presiding officer assigned to the proceeding.

(3)(a) All notices of hearing shall be accompanied by a standard statement in at least five common foreign languages, such languages to be those known by the commission staff to be languages used by some licensees,

along with forms to request an interpreter to include assistance for hearing impaired persons at the hearing.

(b) Nothing herein contained shall prevent the commission or the director, as authorized by the commission, to temporarily suspend licenses, subject to final action of the commission, as authorized by RCW 9.46.070(1) and WAC 230-50-012.

(4) The presiding officer (~~shall conduct the hearing~~) will be appointed and a notice of hearing issued within 90 days from the date upon which the commission received the application for adjudicated proceeding and request for hearing from the licensee, applicant or permittee, unless all parties agree to an extension of time beyond the 90 days by mutual consent. Any deviation for the 90 day requirement shall be in writing and made a part of the permanent record of the proceeding.

**WSR 91-03-064**  
**WITHDRAWAL OF PROPOSED RULES**  
**HORSE RACING COMMISSION**  
 (By the Code Reviser's Office)  
 [Filed January 16, 1991, 10:00 a.m.]

WAC 260-60-060, proposed by the Horse Racing Commission in WSR 90-14-067, appearing in issue 90-14 of the State Register, which was distributed on July 18, 1990, 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 91-03-065**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 (By the Code Reviser's Office)  
 [Filed January 16, 1991, 10:03 a.m.]

WAC 308-14-135, proposed by the Department of Licensing in WSR 90-14-096, appearing in issue 90-14 of the State Register, which was distributed on July 18, 1990, 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 91-03-066**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 (By the Code Reviser's Office)  
 [Filed January 16, 1991, 10:05 a.m.]

WAC 232-28-61811, proposed by the Department of Wildlife in WSR 90-14-107, appearing in issue 90-14



of the State Register, which was distributed on July 18, 1990, 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 91-03-067**  
**RULES COORDINATOR**  
**INDETERMINATE SENTENCE**  
**REVIEW BOARD**

[Filed January 16, 1991, 10:41 a.m.]

Pursuant to RCW 34.05.310, please be advised that the designated rules coordinator for this agency is Dennis Marsh, Executive Secretary, Indeterminate Sentence Review Board, 4317 6th Avenue S.E., QJ-33, Lacey, WA 98504.

Kathryn S. Bail  
Chair

**WSR 91-03-068**  
**PROPOSED RULES**  
**PERSONNEL BOARD**

[Filed January 16, 1991, 10:42 a.m.]

Continuance of WSR 91-02-033, 90-23-027, and 90-20-148.

Title of Rule: WAC 356-06-040 Classified service and 356-22-230 Examinations—Noncompetitive.

Purpose: These rules define noncompetitive service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 14, 1991, at 10:00 a.m.

Submit Written Comments to: Christina Valadez, Department of Personnel, P.O. Box 1789, Mailstop FE-11, Olympia, WA 98507, by February 12, 1991.

Date of Intended Adoption: February 14, 1991.

January 15, 1991  
Dee W. Henderson  
Secretary

**WSR 91-03-069**  
**PERMANENT RULES**  
**PERSONNEL BOARD**

[Order 367—Filed January 16, 1991, 10:47 a.m., effective July 1, 1991]

Date of Adoption: January 10, 1991.

Purpose: This rule determines the rates and requirements to earn standby pay.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-080 Standby compensation.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 91-02-031 on December 24, 1990.

Effective Date of Rule: July 1, 1991.

January 11, 1991  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 281, filed 7/16/87, effective 9/1/87)

**WAC 356-15-080 STANDBY COMPENSATION.** (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) Rate: The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly ~~((two))~~ four whole numbers higher. That is: ~~((28))~~ 30 - 26, or ~~((28-3))~~ 30.3 - 26.3) divided by 128 hours.

**WSR 91-03-070**  
**PERMANENT RULES**  
**PERSONNEL BOARD**

[Order 368—Filed January 16, 1991, 10:53 a.m., effective March 1, 1991]

Date of Adoption: January 10, 1991.

Purpose: The purpose of this rule is to provide conditions for moving employees up when their positions are reallocated upward.

Citation of Existing Rules Affected by this Order: Amending WAC 356-10-050 Employee appointment status—Upward.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 91-02-032 on December 24, 1990.

Effective Date of Rule: March 1, 1991.

January 15, 1991  
 Dee W. Henderson  
 Secretary

**AMENDATORY SECTION (Amending Order 329, filed 12/20/89, effective 2/1/90)**

**WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION.** Employees in positions (~~which~~) that have been reallocated upward are affected as follows:

(1) Employee must compete (~~and be certified~~) at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then (~~adjusted~~) determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

(2) Employees in positions (~~which~~) that have been reallocated upwards based on duties (~~performed~~) of a higher level classification (~~in excess of~~) performed for over one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee(~~:~~); and

(b) The (~~employee passes the appropriate examination~~) department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for

time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

**WSR 91-03-071**  
**PERMANENT RULES**  
**PERSONNEL BOARD**

[Order 369—Filed January 16, 1991, 10:59 a.m., effective March 1, 1991]

Date of Adoption: January 10, 1991.

Purpose: This rule allows for modification of minimum qualifications or tests under certain circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 356-22-130 Examinations—Minimum

qualifications waived or modified—Examinations modified.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 91-02-034 on December 24, 1990.

Effective Date of Rule: March 1, 1991.

January 15, 1991  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 144, filed 5/9/80)

WAC 356-22-130 EXAMINATIONS—MINIMUM QUALIFICATIONS WAIVED OR MODIFIED—EXAMINATIONS MODIFIED. (1) Upon the written request of the appointing authority, the director of personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-~~((examination))~~ time basis only when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a ~~((handicapped applicant))~~ person of disability, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the ~~((handicap))~~ disability of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the ~~((handicap))~~ disability.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class.

**WSR 91-03-072**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON INSTITUTE**  
**OF APPLIED TECHNOLOGY**  
[Memorandum—January 11, 1991]

The following regular 1991 board meetings are scheduled at 7:30 a.m. in the WIAT sixth floor boardroom:

January 30, 1991  
March 27, 1991  
May 29, 1991  
July 31, 1991  
September 25, 1991  
November 27, 1991

**WSR 91-03-073**  
**PERMANENT RULES**  
**INSURANCE COMMISSIONER**

[Order 90-14—Filed January 16, 1991, 2:50 p.m., effective April 1, 1991]

Date of Adoption: January 16, 1991.

Purpose: To define unfair methods of competition and unfair or deceptive acts or practices in the business of insurance with respect to life and disability insurance coverage through group contracts delivered in another state.

Citation of Existing Rules Affected by this Order: Amending WAC 284-30-600.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.30.010.

Pursuant to notice filed as WSR 90-23-079 on November 20, 1990.

Effective Date of Rule: April 1, 1991.

January 16, 1991  
Dick Marquardt  
Insurance Commissioner

**AMENDATORY SECTION** (Amending Order R 84-7, filed 12/27/84)

WAC 284-30-600 UNFAIR PRACTICES WITH RESPECT TO OUT-OF-STATE GROUP LIFE AND DISABILITY INSURANCE. (1) ~~((Beginning April 1, 1985;))~~ Pursuant to RCW 48.30.010, ~~((it shall be))~~ except as provided in subsection (2) of this section it is an unfair method of competition and an unfair practice for any insurer to effect life or disability insurance coverage on ((persons)) individuals in this state under a group policy which is delivered to a policyholder outside this state when:

(a) Such policy or any certificate used therewith contains any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy.

(b) Such policy or any certificate used therewith has any title, heading, or other indication of its provisions which is misleading.

(c) Such coverage is being solicited by deceptive advertising.

(d) With respect to disability insurance, the out-of-state group policy does not:

(i) Provide that claims will be processed in compliance with RCW 48.21.130 through 48.21.146(:);

(ii) Meet the requirements as to benefits and coverage mandated by chapter 48.21 RCW and rules effectuating that chapter, ((and)) specifically including those ((imposed by RCW 48.21.150 through 48.21.270)) set forth

in chapter 284-51 WAC, and WAC 284-30-610 and 284-30-620;

(iii) With respect to long-term care insurance, also meet the requirements of chapter 48.84 RCW and chapter 284-54 WAC;

(iv) With respect to Medicare supplemental insurance, also meet the requirements of chapter 48.66 RCW and chapter 284-66 WAC; and

(v) Meet the loss ratio standards applicable to group insurance pursuant to RCW 48.66.100 and 48.70.030 and WAC 284-60-060(, and).

~~((b))~~ (e) With respect to life insurance, the out-of-state group policy fails to comply with the provisions of RCW 48.24.100 through 48.24.260, WAC 284-23-550, 284-30-620, and 284-30-630.

(2) ~~((This rule is applicable to insurance coverage provided by such group policies including those issued for trustee groups which would be eligible for group insurance pursuant to RCW 48.24.070, except it))~~ (a) Unless the individual insured pays all or substantially all of the cost of his or her coverage, subsection (1) of this section is not applicable to life or disability insurance coverage provided by any group ~~((policies:~~

~~((a))~~ policy issued for a group which would be ~~((eligible))~~ qualified for group life insurance if the master policy were delivered to a policyholder in this state pursuant to RCW ~~((48.24.020, 48.24.030,))~~ 48.24.035, 48.24.040, 48.24.050, ~~((and))~~ or 48.24.095~~((, unless the person insured pays all or substantially all of the cost of his or her coverage;)).~~

(b) Subsection (1) of this section is not applicable with respect to coverage under a master policy issued for an association group which would be ~~((eligible))~~ qualified for group insurance under such policy if it were delivered to the policyholder in this state pursuant to the requirements of RCW 48.24.045~~((;))~~:

(i) If such association clearly has a genuine purpose and existence of significant value to its members independent of its status as the group policyholder and independent of its involvement in insurance on behalf of its members, and if, further, there is a realistic and demonstrable basis related to the situs of the association or the residencies of a substantial portion of its members justifying the issuance of the group policy in the other state; or

(ii) If such association provides such coverage to each of its members, except those who may not qualify by reason of age, at no charge to them other than the standard membership dues or costs paid by each member.

(c) Subsection (1) of this section is not applicable with respect to a group policy issued for a group which ~~((would be eligible))~~ qualifies for group insurance pursuant to RCW 48.24.060, 48.24.080, and 48.24.090.

(d) Except for coverages excluded by (a), (b), and (c) of this subsection, this section applies to all life and disability coverage on individuals in this state under group policies which are delivered to policyholders outside this state, specifically including those issued for trustee and other groups which are eligible for group insurance pursuant to RCW 48.21.010, 48.21.030, 48.24.020, 48.24.045, and 48.24.070.

(3) ~~((This rule is applicable))~~ Except as provided in subsection (4)(c) of this section, for purposes of this section it is immaterial whether the insurance coverage is offered by means of a solicitation through a sponsoring organization, through the mail or other mass communication media, or through licensed agents or brokers.

(4) It is further defined to be an unfair practice for any insurer effecting group insurance coverage in this state through policies ~~((issued))~~ delivered to an out-of-state master policyholder to fail to do the following with respect to such insurance coverage:

(a) ~~((To))~~ It must comply with the requirements of this state relating to advertising and claims settlement practices, and it must, upon request, furnish the commissioner copies of all advertising materials intended for use in this state; ~~((and))~~

(b) ~~((To))~~ It must make available copies of any policy forms, and certificate~~((s issued thereunder, and advertising materials used within this state))~~ forms used therewith, upon request of the commissioner; and

(c) Where the sale of such coverage to individuals in this state will be through solicitation by agents, solicitors or brokers, so that WAC 284-30-610 will be applicable to such solicitations, the insurer shall file with the commissioner copies of the pertinent group policy and certificate forms, and shall include a copy of the disclosure statement required by WAC 284-30-610, appropriately completed, which will be delivered to the Washington individuals who are solicited by the Washington licensees. Such material must be filed at least twenty days before the solicitation of coverage commences.

#### NEW SECTION

WAC 284-30-610 UNFAIR PRACTICES WITH RESPECT TO THE SOLICITATION OF COVERAGE UNDER OUT-OF-STATE GROUP POLICIES.

(1) It is an unfair method of competition and an unfair practice for an insurance company to permit its appointed licensed agent, and for an insurance agent, solicitor or broker, to solicit an individual in the state of Washington to buy or apply for disability insurance coverage when such coverage is provided pursuant to the terms of a group insurance policy delivered to an association or organization (or to a trustee designated by such association or organization), as policyholder, outside this state, if obtaining such coverage or continuing it is dependent upon the covered individual being a member of or in some way affiliated with such association or organization (other than as an employee, or a dependent of an employee, thereof), unless the following steps are taken:

(a) An accurately completed disclosure statement, substantially in the form set forth in subsection (2) of this section, must be signed by the soliciting licensee, and delivered to and brought to the attention of the individual being solicited before the application for coverage is completed and signed.

(b) The signed original disclosure statement must be left with such individual.

(c) A copy of the completed disclosure statement must be signed by such individual to acknowledge its receipt,

and be submitted by the soliciting licensee, with the application for coverage, to the insurance company providing the coverage.

(d) The insurance company must confirm the accuracy of the form's contents, and retain such copy for not less than three years from the date the coverage commences.

(2) Disclosure statement form:

(Insurance Company's name and address)

**IMPORTANT INFORMATION ABOUT THE INSURANCE YOU ARE BEING OFFERED**

Save this statement! It may be important to you in the future. The Washington State Insurance Commissioner requires that we give you the following information about the health insurance coverage offered to you under a group insurance policy issued by...(insurance company)...., ...(to/on behalf of)...(association or organization)....

The policy is subject to and governed by the laws of the state of .....

The coverage...(meets/does not meet)... minimum insurance standards required of Washington state policies. You...(will/will not)... receive benefits required to be provided by Washington policies. The policy is designed to return benefits which are valued at a percentage .... (less than/equal to/greater than).... the percentage of premiums that would be required under Washington state's rules or laws for group coverage.

The Washington State Insurance Commissioner will have limited authority to assist you concerning the coverage.

To keep this insurance coverage, you...(must/need not)... continue membership in the group. If you are not now a member, the initial cost of membership is \$.... Additional dues or membership fees are currently \$..... per ..... Membership costs...(may/will not).... increase in future years. You will also have the insurance premiums to pay.

The insurance coverage...(can/can not).... be discontinued by the group. It...(can/can not).... be terminated by the insurer. If the group organization ceases to exist, your coverage...(would/would not).... terminate. You...(are/are not).... entitled by the contract to convert your coverage to your own insurance policy.

....(Group organization's name).... and ....(insurance company's name).... ...(are/are not)... directly or indirectly subject to common control with respect to their management and policies, through ownership, by contract, or otherwise. ....(Group organization's name).... ...(will/will not).... be paid for its participation in this insurance program. ....(An explanation of payments may be inserted here.)....

Apart from its involvement in insurance such as that offered to you, the organization engages in the following activities of value to its members: ..... The organization has approximately .... members, at this time.

About .....% of them do not participate in the group's health insurance program.

If you apply for this coverage, you ....(will/will not).... have a "free look" (of .... days\*) during which you may cancel your contract and recover your premium without obligation. Your membership fee to join the group...(is/is not)... refundable. \*(Omit phrase, "of ... days", if there is no "free look.")

DELIVERED to the applicant this ..... day of ^....., 199.., by

(Signed) ..... (agent, solicitor or broker).

Printed Name: .....

RECEIPT HEREOF IS ACKNOWLEDGED: ..... Applicant.

(3) This section does not apply with respect to coverage provided to individuals under a group contract which is provided for a group of a type described in RCW 48-24.035, 48.24.040, 48.24.060, 48.24.070, 48.24.080, 48-24.090, or 48.24.095.

**WSR 91-03-074  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed January 16, 1991, 4:02 p.m.]

Original Notice.

Title of Rule: WAC 392-145-015 Transportation—Operation rules.

Purpose: To establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students.

Statutory Authority for Adoption: RCW 46.61.380.

Statute Being Implemented: RCW 46.61.380.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation and Enforcement: Don Carnahan, Superintendent of Public Instruction, Old Capitol Building, (206) 753-0235.

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, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on March 1, 1991, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson,  
Superintendent of Public Instruction, Legal Services,  
Olympia, Washington 98504, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 16, 1991  
Judith A. Billings  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 84-40, filed 10/2/84)

**WAC 392-145-015 GENERAL OPERATING REGULATIONS.** (1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of transportation shall be established and implemented pursuant to the state board of education, chapter 180-40 WAC, as now or hereafter amended.

(2) All school bus drivers shall meet the qualifications established in chapter 180-20 WAC, as now or hereafter amended.

(3) Each school bus driver shall hold a valid and current first aid card which certifies that he/she has completed a course in the basic principles of first aid within the past three years.

(4) When a teacher, coach, or other certificated staff member is assigned to accompany students on a bus, such person shall be responsible for the behavior of the students in his or her charge. However, the bus driver shall have final authority and responsibility.

(5) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, musical instruments, riser platforms, etc.

(6) Teachers and all other school district staff members shall be notified that students shall not be requested to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also shall include all forms of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

(7) A school bus driver shall not order or allow a student to depart the bus other than at his or her boarding or alighting place except as provided in WAC 392-145-020(7).

(8) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the bus.

(9) All school buses shall operate with their headlights on when carrying passengers.

(10) On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, school districts shall design bus routes that serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

**AMENDATORY SECTION** (Amending Order 84-40, filed 10/2/84)

**WAC 392-145-030 ADDITIONAL RULES FOR SCHOOL BUS DRIVERS.** (1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least 500 feet. If it is impossible to secure a distance of at least 500

feet for a bus stop, the school authorities, the state patrol and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus.

(5) Prior to stopping the school bus for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master sequencing switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet and no more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet and no more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

(6) No school bus shall pull over to the left-hand side of the road to load or unload.

~~(7) ((The stop sign on the left side of a school bus shall not be used to indicate that the bus is going to stop.))~~ The stop sign and red, alternately flashing lamps shall be displayed ~~((at all times))~~ whenever a school bus is ~~((receiving or discharging passengers except:~~

~~(a) When passengers do not have to cross a highway and the bus is stopped completely off the traveled portion of the roadway, or~~

~~(b) When a school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal, or~~

~~(c) When a school bus is stopped upon school grounds for the purpose of receiving or discharging passengers, and passengers are not required to cross the roadway))~~ stopped on the roadway to receive or discharge school children.

(8) Whenever school children have to cross the roadway, the school bus shall stop on the roadway and display the stop sign and red, alternately flashing lamps. A school bus driver shall not allow school children to cross any roadway having three or more marked traffic lanes or any highway divided into separate roadways as provided in RCW 46.61.150.

(9) The stop sign and red, alternately flashing lamps on a school bus shall not be used to indicate that the bus is going to stop.

(10) Amber, simultaneously flashing hazard warning lamps shall be activated whenever a school bus is stopped off the roadway to receive or discharge school children.

(11) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

~~((9))~~ (12) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions or adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure shall be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

WSR 91-03-075

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed January 17, 1991, 12:55 p.m.]

Original Notice.

Title of Rule: WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed amendment reflects a 25 percent increase in the Grays Harbor pilotage tariff rate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Seattle, 576-7818.

Name of Proponent: [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 proposed rule would increase the tariff for pilotage services in Grays Harbor 25 percent.

Proposal Changes the Following Existing Rules: The proposed rule is a 25 percent increase over the existing rule.

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

Hearing Location: Conference Room, Pier 52, Seattle, Washington, on March 14, 1991, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by February 28, 1991.

Date of Intended Adoption: March 14, 1991.

January 16, 1991  
 Marjorie T. Smitch  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending WSR 90-09-013, filed 4/6/90, effective 5/7/90)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on (~~May 1, 1989~~) March 15, 1991.

**CLASSIFICATION OF PILOTAGE SERVICE RATE**

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~\$(39.68)~~ 49.60 per meter (or ~~\$(12.08)~~ 15.10 per foot) and the tonnage charge shall be ~~\$(0.1266)~~ 0.1583 per net registered ton. The minimum net registered tonnage charge is ~~\$(442.72)~~ 553.40. The charge for an extra vessel (in case of tow) is ~~\$(252.99)~~ \$316.24.

**Boarding fee:**

Per each boarding/deboarding from a boat ..... ~~\$(190.87)~~ 238.59

**Harbor shifts:**

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ..... ~~\$(317.36)~~ 396.70

Delays per hour ..... ~~\$(75.67)~~ 94.59

Cancellation charge (pilot only) ..... ~~\$(126.49)~~ 158.11

Cancellation charge (pilot boat only) ..... ~~\$(379.48)~~ 474.35

**Travel allowance:**

Boarding or deboarding a vessel off Grays Harbor entrance ..... ~~\$(58.73)~~ 73.41

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~\$(430.00)~~ \$37.50 for each day or fraction thereof, and the travel expense incurred ..... ~~\$(442.72)~~ 553.40

**Bridge transit:**

Charge for each bridge transited ..... ~~\$(138.92)~~ 173.65

**Miscellaneous:**

The balance of amounts due for pilotage rates not paid within 45 days of invoice will be assessed at 1 1/2% per month late charge.

**WSR 91-03-076**  
 NOTICE OF PUBLIC MEETINGS  
 DEPARTMENT OF  
 LABOR AND INDUSTRIES  
 (Electrical Board)

[Memorandum—January 11, 1991]

In accordance with chapter 42.30 RCW, Open Meeting Act, the time and place of regular meetings for the Electrical Board for 1991 have been scheduled. The meetings are scheduled to begin at 9:00 a.m. on the last Thursday of January, April, July and October at Puget Power, 620 Grady Way, Renton, WA. Dates are January 31, April 25, July 25, and October 31.

**WSR 91-03-077**  
 RULES COORDINATOR  
 STATE TREASURER'S OFFICE

[Filed January 17, 1991, 2:10 p.m.]

Effective January 1, 1991, the rules coordinator for the State Treasurer's Office is: Michael Temple, Counsel, Legislative Building, AS-23, 586-7293.

M. Lyle Jacobsen  
 Assistant Treasurer

**WSR 91-03-078**  
 RULES COORDINATOR  
 TRANSPORTATION COMMISSION

[Filed January 17, 1991, 2:11 p.m.]

The designated rules coordinator for the Washington State Transportation Commission is: Mr. Bill Richeson, Records Manager, Transportation Building, Mailstop KF-01, Olympia, Washington 98504.

Anna Peterson  
 Administrator

**WSR 91-03-079**  
 RULES COORDINATOR  
 EVERETT COMMUNITY COLLEGE

[Filed January 17, 1991, 2:12 p.m.]

As required by RCW 34.05.310(3), the name and mailing address of the Everett Community College rules coordinator for 1991 is: Ms. Marilyn Abel, Administrative Assistant to the President, Everett Community College, 801 Wetmore, Everett, WA 98201.

Robert J. Drewel  
 President

WSR 91-03-080  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Order 91-02—Filed January 17, 1991, 2:36 p.m.]

Original Notice.

Title of Rule: Chapter 173-224 WAC, Wastewater discharge permit fees.

Purpose: Establish a fee system for state waste discharge and NPDES permits issued by the Department of Ecology.

Statutory Authority for Adoption: Chapter 90.48 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Amend existing chapter to fully recover program costs of the water quality wastewater discharge permit program.

Reasons Supporting Proposal: To come into compliance with RCW 90.48.465 and recover all eligible program costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bev Poston, Mailstop PV-11, Olympia, 438-7039.

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 amendments to chapter 173-224 WAC will bring the chapter into compliance with state law, RCW 90.48.465, and allow the department to recover all eligible program costs for administering the water quality wastewater discharge permit program.

Proposal Changes the Following Existing Rules: Raises current permit fees to recover all program costs; adds application fee for first time NPDES permit applicants; and adds penalty language for delinquent permit fees.

Small Business Economic Impact Statement: Wastewater discharge permit fees, chapter 173-224 WAC.

Introduction: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than twenty percent of all industry or more than ten percent of any one industry, be reviewed and altered to minimize their impact on small business. This review is reported in this small business economic impact statement. The Regulatory Fairness Act requires that a small business economic impact statement (SBEIS) "include a brief description of the reporting, record keeping, and other compliance requirements of the rule, and the kinds of professional services" need to comply with those requirements. It also must "analyze, based on existing data, the costs of compliance for businesses required to comply with the provisions of (the) rule...including costs of equipment, supplies, labor, and increased administrative costs." The cost of compliance for small and large businesses are to be compared. A small business is defined as a corporation, partnership, sole proprietorship, or other legal entity which has the purpose of making a profit, which is independently owned and operated from all other businesses, and which has fifty or fewer employees.

The current permit fee rule and its amendments: Chapter 173-224 WAC, under authority granted by RCW 90.48.465, imposes fees on holders of state and NPDES wastewater discharge permits. The amendments to the permit fee rule increase the permit fees of industrial permit holders, state-government-owned sewage treatment plants, and privately-owned sewage treatment plants which primarily serve nonresidential customers by 162 percent. The amendments also impose penalties on delinquent fee payments. The penalties are:

LATE PENALTIES	
DAYS LATE	PENALTY
1 - 30	15 % of fee
31 - 60	25 % of fee
61 - 90	50 % of fee
more than 90	termination/additional penalties

For businesses the amendments do not alter any of the other compliance requirements of the fee rule. They do not add to the professional services needed to comply with the rule. They do not impose any costs other than increased fees and new late payment penalties.

Economic analysis: The Regulatory Fairness Act's SBEIS requirement, and consequently this analysis, is only concerned with the private sector of the economy. Approximately 400 permits are held by state and local governments. The impact of fee increases on government permit holders will be examined in the economic impact analysis which will be written for this rule amendment, rather than in this SBEIS.

Industrial facilities: The Regulatory Fairness Act requires that the costs of complying with the rule for small businesses be compared to the costs of compliance for large businesses. The following analysis uses the percentage that the fee is of a permit holder's sales as the measure of the fee's impact. There is little doubt that permit fees have a proportionately higher impact on small business. Sales vary in size more that fees do. The sales of a pulp mill or oil refinery can easily be 250 times the sales of a small food processor or gravel pit, while the permit fee of the larger business might be only 20 to 40 times the fee of the smaller business. The fee-to-sales ratio tends to fall as sales rise. Therefore, as measured by the fee-to-sales ratio, permit fees have a proportionally higher burden on small businesses than they do on large businesses. The SBEIS for the current fee rule, chapter 173-224 WAC, estimated that under the original fee rule, chapter 173-223 WAC, the fee-to-sales ratio for small businesses had ranged between .01 and 1.00 percent. The fee-to-sales ratio for large businesses was estimated to have ranged between .001 and .12 percent. Thus, the impact of permit fees was greater on small businesses than on large businesses. The chapter 173-224 WAC SBEIS also estimated that under the chapter 173-224 WAC fee schedule, the fee-to-sales ratios for small and large businesses would move somewhat closer together than they had been for the original fee rule. However, the fee-to-sales ratios of small businesses would continue to be higher than the fee-to-sales ratios for large businesses. The amendments to the fee



rule simply increase the fees for all industrial permit categories by 162 percent. Due to this method of increasing fees, the fee-to-sales ratios of all businesses rise by the same amount. Therefore, because under the present fee rule the fee-to-sales ratios of small businesses are greater than the fee-to-sales ratios of large businesses, they will also be greater under the amended rule. Both ratios increase by exactly the same percentage. Therefore, the ratio that is larger prior to the fee increase remains larger after the fee increase. The fee-to-sales ratio falls as sales rise because permit fees are based on permitting costs and because there are "economies of scale" in permitting. That is, while the costs of permitting do rise as the size of the business rises (whether size is measured by sales or by pollutant discharge), they do not rise as rapidly as the size of the business does. Since fees are set equal to the average costs of permitting, fees also do not rise as rapidly as sales do. Therefore, the fee-to-sales ratio falls as sales rise. In conclusion, under the amendments to chapter 173-224 WAC, the impact of permit fees on small businesses is larger than the impact on large businesses. Under the amended fee rule, the fee-to-sales ratios of small businesses will continue to be higher than the fee-to-sales ratios for large businesses.

**Sewage treatment plants:** There are 15 private companies and homeowners associations that hold permits for sewage treatment plans which primarily serve residential customers. Included among these 15 private organizations are mobile home parks, small housing developments, and nursing homes. These companies and associations are private organizations, not governments. Sometimes these are profit-seeking businesses (the mobile home parks); sometimes they are not (the homeowners' associations). Under the current fee rule, the permit fees for these facilities are limited by the five cents per month per residential equivalent fee ceiling. The incidence of the permit fee is on the customers, who are overwhelmingly residential, of these companies and associations. Changes in fees are passed on to customers through changes in sewer rates. Under the fee rule amendments, the fee ceiling is retained for these permit holders. Therefore, the amendments have no impact on their fees. There are 8 privately-owned permit holders that hold permits for sewage treatment plants that do not chiefly serve residential customers. These 8 permit holders include of four resorts, a truck stop, a church camp, an office building, and a restaurant. Currently these 8 permit holders pay fees of \$500 or \$1,000. Under the amended fee rule, their fees will rise to \$1,310 and \$2,620, respectively.

**Mitigation:** The current permit fee rule (see WAC 173-224-090) contains a provision that allows small businesses to apply for fee reductions. For the purpose of this fee reduction provision "small business" is defined as an independently-owned, profit seeking business with fifty or fewer employees and less than \$500,000 in annual sales. The fees of such small businesses are reduced to the greater of: Fifty percent of the permit fee; or \$250. The amended fee rule will retain the fee reduction provision. However, the minimum fee will be increased

to \$655, a 162 percent increase. The minimum fee is increased by the same percentage that industrial permit fees are increased by the rule amendments. In this way, the burden of permit fees on small businesses is mitigated while they still share with all other permit holders the increased burden of higher fees.

**Hearing Locations:** Wednesday, February 27, 1991, 6:00 p.m., Cascade Gas Auditorium, 401 N. 1st Street, Yakima, WA; Thursday, February 28, 1991, 6:00 p.m., Spokane County Health Department, W. 1101 College, Spokane, WA; and Monday, March 4, 1991, 6:00 p.m., The Olympia Center, 222 Columbia, Room 103, Olympia, WA.

**Submit Written Comments to:** Bev Poston, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, by March 20, 1991.

**Date of Intended Adoption:** May 30, 1991.

January 17, 1991

Fred Olson

Deputy Director

**AMENDATORY SECTION** (Amending Order 89-8 and 89-8A, filed 5/31/89 and 3/13/90, effective 4/13/90)

WAC 173-224-015 **PURPOSE.** The purpose of this chapter is to establish a fee system for state waste discharge and NPDES permits issued by the department pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. ~~((Initiative 97))~~ RCW 90.48.460 authorizes the department to charge fees to fully recover, but not exceed the costs of the permit program based on expenses incurred in the issuance and administration of state waste discharge and NPDES permits. ~~((This regulation is a step towards developing a comprehensive permit program. The department will further document the program needs and costs, and reexamine the fees established within this chapter, and as appropriate, will propose changes to the fee schedule to fully recover the 1992-93 biennium program costs.))~~ The department shall continue to examine the feasibility of adopting, when applicable, alternative permit fee systems. Any alternative fee system, such as variable permit fees, shall ensure continued full recovery of eligible program costs and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants.

**AMENDATORY SECTION** (Amending Order 89-8 and 89-8A, filed 5/31/89 and 3/13/90, effective 4/13/90)

WAC 173-224-030 **DEFINITIONS.** (1) "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260. Fees for hazardous waste clean up sites may be adjusted retrospectively based on cost accounting for such sites as provided for under the provisions of ~~((Initiative 97))~~ RCW 70.105D.050(3).

(2) "Aggregate production" means the mining of sand, gravel, or rock and/or the production of concrete and/or asphalt.

(3) "Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

(4) "Animal unit" means one slaughter or feeder steer, 0.7 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122.

(5) "Annual permit fee" means the fee charged by the department of ecology for expenses associated with activities specified in ~~((Initiative 97))~~ RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

(6) "bbls/d" means barrels per day of feedstock for petroleum refineries.

(7) "bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

(8) "Combined food processing waste treatment facility" means a facility which treats wastewater from more than one separately permitted food processor and receives no waste from industrial sources other than food processing and no domestic wastewater.

- (9) "Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.
- (10) "Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.
- (11) "Concentrated animal feeding operation" means an "animal feed operation" which meets the criteria in Appendix B of 40 CFR 122.23 (b)(3) as presently enacted and any subsequent modifications thereto.
- (12) "Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in director contact with the wastewater.
- (13) "cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.
- (14) "Department" means the department of ecology.
- (15) "Director" means the director of the department of ecology.
- (16) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration or surface waters as may be present.
- (17) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.
- (18) "EPA" means the United States Environmental Protection Agency.
- (19) "Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.
- (20) "Flavor extraction" means the recovery of flavors or essential oils from vegetable products.
- (21) "Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, but exclusive of crop preparing. This category includes but is not limited to fruit and vegetable processing, meat and poultry products processing, dairy products processing, seafood processing, beer and wine production, rendering and animal feed production. Food processing wastewater treatment plants which treat wastes from only one separately permitted food processor shall be treated as one facility for billing purposes.
- (22) "GPD" means maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit.
- (23) "Gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;  
Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.  
Gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.  
Gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.  
Gross revenue excludes:  
(a) Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.  
(b) Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.  
(c) Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from gross revenue.  
(d) Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.  
(e) Connection charges.  
(f) Revenues from sales of by-products such as sludge, processed wastewater, etc.
- (24) "Hazardous waste clean up sites" means hazardous waste sites which have a waste discharge permit but at which the department has

not commenced cost recovery under ((section 4 of Initiative 97)) RCW 70.105D.050(3).

- (25) "Industrial facility" means any facility not included in definition of municipal/domestic facility.
- (26) "MGD" means permitted flow expressed in million gallons per day.
- (27) "Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.
- (28) "Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with such industrial wastes as may be present, or a privately-owned facility treating solely domestic wastewater.
- (29) "Municipality" means a city, town, county, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.
- (30) "Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.
- (31) "Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(1).
- (32) "NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department pursuant to Section 402 of the federal Clean Water Act and RCW 90.48.260.
- (33) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.
- (34) "Permitted flow" means:  
(a) For municipal/domestic facilities, the monthly average flow limitation contained in the permit;  
(b) For industrial facilities, the daily maximum flow limitation contained in the permit;  
(c) For permits in which a flow limit is not specified, the department shall use the design flow corresponding to (a) or (b) of this subsection.
- (35) "Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.
- (36) "Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.
- (37) "State waste discharge permit" means a permit required under chapter 173-216 WAC.

**AMENDATORY SECTION** (Amending Order 89-8 and 89-8A, filed 5/31/89 and 3/13/90, effective 4/13/90)

WAC 173-224-040 PERMIT FEE SCHEDULE. (1) Industrial facility categories.

- (2) Municipal/domestic categories.
- (3) Application fee. First time NPDES applicants will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater.

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
Aluminum Alloys	<del>(\$-5,000.00)</del> \$13,100.00
Aluminum and Magnesium Reduction Mills	<del>(30,000.00)</del> 78,600.00
Aluminum Forming	<del>(+5,000.00)</del> 39,300.00

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE	INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
<b>Aggregate Production</b>			
a. Mineral Mining (Sand, Gravel and Rock)		(d-) e. 25,000 - < 50,000 bins/yr.	((+1,600.00)) 4,716.00
1. Mining only	((500.00)) <u>1,310.00</u>	(e-) f. 50,000 - < 100,000 bins/yr.	((3,000.00)) 7,860.00
2. Mining with classification (screening and/or crushing)	((+1,000.00)) <u>2,620.00</u>	(f-) g. 100,000 - < 150,000 bins/yr.	((5,000.00)) 13,100.00
3. Mining with classification and washing	((+1,500.00)) <u>3,930.00</u>	(g-) h. 150,000 bins/yr. and greater	((6,000.00)) <u>15,720.00</u>
b. Concrete and/or Asphalt Production		<b>Facilities Not Otherwise Classified</b>	
1. < 20,000 cu. yds/yr.	((300.00)) 786.00	a. < 1,000 gpd	((500.00)) 1,310.00
2. 20,000 - < 60,000 cu. yds/yr.	((500.00)) 1,310.00	b. 1,000 - < 10,000 gpd	((+1,000.00)) 2,620.00
3. 60,000 - < 100,000 cu. yds/yr.	((750.00)) 1,965.00	c. 10,000 - < 50,000 gpd	((2,000.00)) 5,240.00
4. 100,000 - < 150,000 cu. yds/yr.	((+1,000.00)) 2,620.00	d. 50,000 - < 100,000 gpd	((4,000.00)) 10,480.00
5. 150,000 - < 200,000 cu. yds/yr.	((+1,500.00)) 3,930.00	e. 100,000 - < 500,000 gpd	((8,000.00)) 20,960.00
6. 200,000 - < 250,000 cu. yds/yr.	((2,000.00)) 5,240.00	f. 500,000 - < 1,000,000 gpd	((+10,000.00)) 26,200.00
7. 250,000 cu. yds/yr. and greater	((2,500.00)) <u>6,550.00</u>	g. 1,000,000 gpd and greater	((+15,000.00)) <u>39,300.00</u>
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mineral mining and the concrete and/or asphalt production subcategories.		<b>Fin Fish Rearing &amp; Hatching</b>	((+1,500.00)) <u>3,930.00</u>
<b>Coal Mining and Preparation</b>		<b>Flavor Extraction</b>	
a. < 200,000 tons per year	((2,000.00)) 5,240.00	a. Steam Distillation	((250.00)) 655.00
b. 200,000 - < 500,000 tons per year	((4,500.00)) 11,790.00	b. Solvent Extraction	((+1,000.00)) 2,620.00
c. 500,000 - < 1,000,000 tons per year	((8,000.00)) 20,960.00	<b>Food Processing</b>	
d. 1,000,000 tons per year and greater	((+15,000.00)) <u>39,300.00</u>	a. < 1,000 gpd	((500.00)) 1,310.00
<b>Combined Industrial Waste Treatment</b>		b. 1,000 - < 10,000 gpd	((+1,000.00)) 2,620.00
a. < 10,000 gpd	((+1,000.00)) 2,620.00	c. 10,000 - < 50,000 gpd	((+1,500.00)) 3,930.00
b. 10,000 - < 50,000 gpd	((2,500.00)) 6,550.00	d. 50,000 - < 100,000 gpd	((2,000.00)) 5,240.00
c. 50,000 - < 100,000 gpd	((5,000.00)) 13,100.00	e. 100,000 - < 500,000 gpd	((5,000.00)) 13,100.00
d. 100,000 - < 500,000 gpd	((+10,000.00)) 26,200.00	f. 500,000 - < 1,000,000 gpd	((+10,000.00)) 26,200.00
e. 500,000 gpd and greater	((+15,000.00)) <u>39,300.00</u>	g. 1,000,000 gpd and greater	((+15,000.00)) <u>39,300.00</u>
<b>Combined Food Processing Waste Treatment Facilities</b>	((5,000.00)) <u>13,100.00</u>	<b>Fuel and Chemical Storage</b>	
<b>Combined Sewer Overflow System</b>		a. < 100,000 bbls	((+1,000.00)) 2,620.00
a. < 50 acres	((+1,000.00)) 2,620.00	b. 100,000 - < 500,000 bbls	((2,500.00)) 6,550.00
b. 50 - < 100 acres	((2,000.00)) 5,240.00	c. 500,000 bbls and greater	((5,000.00)) 13,100.00
c. 100 - < 500 acres	((3,000.00)) 7,860.00	<b>Hazardous Waste Clean Up Sites</b>	((20,000.00)) <u>52,400.00</u>
d. 500 acres and greater	((4,000.00)) <u>10,480.00</u>	(See definition under WAC 173-224-030(24).)	
<b>Concentrated Animal Feeding Operation</b>		<b>Inorganic Chemicals Manufacturing</b>	
a. < 100 Animal Units	((+100.00)) 262.00	a. Lime Products	((2,500.00)) 6,550.00
b. 100 - < 500 Animal Units	((200.00)) 524.00	b. Fertilizer	7,860.00
c. 500 - < 1,000 Animal Units	((500.00)) 1,310.00	c. Peroxide	((4,000.00)) 10,480.00
d. 1,000 Animal Units and greater	((+1,000.00)) <u>2,620.00</u>	d. Alkaline Earth Salts	((5,000.00)) 13,100.00
<b>Crop Preparing</b>		e. Metal Salts	((7,000.00)) 18,340.00
a. < 1,000 bins/yr.	300.00	f. Acid Manufacturing	((+10,000.00)) 26,200.00
(a-) b. 1,000 - < 5,000 bins/yr.	((200.00)) 524.00	g. Chlor-alkali	((20,000.00)) <u>52,400.00</u>
(b-) c. 5,000 - < 10,000 bins/yr.	((400.00)) 1,048.00	<b>Iron and Steel</b>	
(c-) d. 10,000 - < 25,000 bins/yr.	((800.00)) <u>2,096.00</u>	a. Foundries	((5,000.00)) 13,100.00
		b. Mills	((+10,000.00)) <u>26,200.00</u>

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE	INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
<b>Metal Finishing</b>		d. Chemical Pulp Mills w/o Chlorine Bleaching	<del>((40,000.00))</del> <u>104,800.00</u>
a. < 1,000 gpd	<del>((600.00))</del> <u>1,572.00</u>	e. Chemical Pulp Mills w/Chlorine Bleaching	<del>((45,000.00))</del> <u>117,900.00</u>
b. 1,000 - < 10,000 gpd	<del>((1,000.00))</del> <u>2,620.00</u>	<b>Shipyards</b>	
c. 10,000 - < 50,000 gpd	<del>((2,500.00))</del> <u>6,550.00</u>	<del>((51,000))</del> <u>\$2,620.00</u> per crane, travel lift, small boat lift	
d. 50,000 - < 100,000 gpd	<del>((5,000.00))</del> <u>13,100.00</u>	<del>((1,000))</del> <u>2,620.00</u> per drydock under 250 ft in length	
e. 100,000 - < 500,000 gpd	<del>((10,000.00))</del> <u>26,200.00</u>	<del>((1,000))</del> <u>2,620.00</u> per graving dock	
f. 500,000 gpd and greater	<del>((15,000.00))</del> <u>39,300.00</u>	<del>((1,500))</del> <u>3,930.00</u> per marine way	
		<del>((1,500))</del> <u>3,930.00</u> per synchrolift	
		<del>((2,000))</del> <u>5,240.00</u> per drydock over 250 ft in length	
<b>Noncontact Cooling Water</b>		The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.	
a. < 1,000 gpd	<del>((100.00))</del> <u>262.00</u>	<b>Solid Waste Sites</b>	
b. 1,000 - < 10,000 gpd	<del>((500.00))</del> <u>1,310.00</u>	a. Nonputrescible	<del>((2,000.00))</del> <u>5,240.00</u>
c. 10,000 - < 50,000 gpd	<del>((1,000.00))</del> <u>2,620.00</u>	b. < 50 acres	<del>((4,000.00))</del> <u>10,480.00</u>
d. 50,000 - < 100,000 gpd	<del>((2,000.00))</del> <u>5,240.00</u>	c. 50 - < 100 acres	<del>((8,000.00))</del> <u>20,960.00</u>
e. 100,000 - < 1,000,000 gpd	<del>((4,000.00))</del> <u>10,480.00</u>	d. 100 - < 250 acres	<del>((10,000.00))</del> <u>26,200.00</u>
f. 1,000,000 - < 10,000,000 gpd	<del>((6,000.00))</del> <u>15,720.00</u>	e. 250 acres and greater	<del>((15,000.00))</del> <u>39,300.00</u>
g. 10,000,000 gpd and greater	<del>((8,000.00))</del> <u>20,960.00</u>	<b>Storm Water Only</b>	
<b>Nonferrous Metals Forming</b>	<del>((5,000.00))</del> <u>13,100.00</u>	a. < 50 acres	<del>((1,000.00))</del> <u>2,620.00</u>
<b>Ore Mining</b>		b. 50 - < 100 acres	<del>((2,000.00))</del> <u>5,240.00</u>
a. Ore mining	<del>((1,000.00))</del> <u>2,620.00</u>	c. 100 - < 500 acres	<del>((3,000.00))</del> <u>7,860.00</u>
b. Ore mining with physical concentration processes	<del>((2,000.00))</del> <u>5,240.00</u>	d. 500 acres and greater	<del>((4,000.00))</del> <u>10,480.00</u>
c. Ore mining with physical and chemical concentration processes	<del>((8,000.00))</del> <u>20,960.00</u>	<b>Textile Mills</b>	<del>((20,000.00))</del> <u>52,400.00</u>
<b>Organic Chemicals Manufacturing</b>		<b>Timber Products</b>	
a. Fertilizer	<del>((5,000.00))</del> <u>13,100.00</u>	a. Log Storage	<del>((1,000.00))</del> <u>2,620.00</u>
b. Aliphatic	<del>((10,000.00))</del> <u>26,200.00</u>	b. Veneer	<del>((2,000.00))</del> <u>5,240.00</u>
c. Aromatic	<del>((15,000.00))</del> <u>39,300.00</u>	c. Sawmills	<del>((4,000.00))</del> <u>10,480.00</u>
<b>Petroleum Refining</b>		d. Hardwood, Plywood	<del>((7,000.00))</del> <u>18,340.00</u>
a. < 10,000 bbls/d	<del>((10,000.00))</del> <u>26,200.00</u>	e. Wood Preserving	<del>((10,000.00))</del> <u>26,200.00</u>
b. 10,000 - < 50,000 bbls/d	<del>((20,000.00))</del> <u>52,400.00</u>	<b>Vehicle Maintenance, Warehouse and Freight Transfer</b>	
c. 50,000 bbls/d and greater	<del>((40,000.00))</del> <u>104,800.00</u>	a. < 0.5 acre	<del>((1,000.00))</del> <u>2,620.00</u>
<b>Photofinishers</b>		b. 0.5 - < 1.0 acre	<del>((2,000.00))</del> <u>5,240.00</u>
a. < 1,000 gpd	<del>((400.00))</del> <u>1,048.00</u>	c. 1.0 acre and greater	<del>((3,000.00))</del> <u>7,860.00</u>
b. 1,000 gpd and greater	<del>((1,000.00))</del> <u>2,620.00</u>	<b>Water Plants</b>	
<b>Power and/or Steam Plants</b>		a. Potable water treatment	<del>((1,250.00))</del> <u>3,275.00</u>
a. Steam Generation - Nonelectric	<del>((2,000.00))</del> <u>5,240.00</u>	b. Irrigation water treatment	<del>((750.00))</del> <u>1,965.00</u>
b. Hydroelectric	<del>((2,000.00))</del> <u>5,240.00</u>		
c. Nonfossil Fuel	<del>((3,000.00))</del> <u>7,860.00</u>		
d. Fossil Fuel	<del>((8,000.00))</del> <u>20,960.00</u>		
<b>Pulp, Paper and Paper Board</b>			
a. Fiber Recyclers	<del>((5,000.00))</del> <u>13,100.00</u>		
b. Paper Mills	<del>((10,000.00))</del> <u>26,200.00</u>		
c. Groundwood Pulp Mills			
1. < 300 tons per day	<del>((15,000.00))</del> <u>39,300.00</u>		
2. 300 tons per day and greater	<del>((30,000.00))</del> <u>78,600.00</u>		

(a) Facilities other than those in the aggregate production, crop preparing, or shipyard categories which operate within several fee categories or subcategories will be charged for that category or subcategory with the highest fee.

(b) Facilities covered by general permits will be charged 70% of the fee category which they would otherwise belong.

(c) Industries with permitted discharges of 800 gpd or less will pay an annual fee of ~~((150.00))~~ \$393.00.

(d) The annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence which uses nine hundred cubic feet of water per month.

(e) To verify information relevant to the determination of fees, the department may require industrial and commercial permittees to submit a form certifying annual production or unit processes. When required, the form must be completed and returned to the department within thirty days after it is mailed to the permittee by the department.

(i) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify the information contained in the form and, if it determines that the permit holder has made false or inaccurate statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(f) Fees for crop preparers discharging noncontact cooling water only shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water categories.

((g) Hazardous waste clean up sites for which the department has commenced cost recovery under section 4 of Initiative 97 shall have permit fees deemed to have been charged through the cost recovery action:

(3) The form shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner;

(d) In the case of a sole proprietorship, by the proprietor.

(4) The department may verify the information contained in the form and, if it determines that the permit holder has made false or inaccurate statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations:))

**MUNICIPAL/DOMESTIC FACILITIES**

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is ((determined as follows:

(i) If the number of residential equivalents that contribute to the domestic wastewater facility is less than 40,000, the fee is sixty cents times the number of residential equivalents;

(ii) If the number of residential equivalents that contribute to the domestic wastewater facility is 40,000 or greater but less than 150,000, the fee is fifty cents times the number of residential equivalents;

(iii) If the number of residential equivalents that contribute to the domestic wastewater facility is 150,000 or greater but less than 250,000, the fee is forty cents times the number of residential equivalents;

(iv) If the number of residential equivalents that contribute to the domestic wastewater facility is 250,000 or greater but less than 500,000, the fee is thirty-five cents times the number of residential equivalents;

(v) If the number of residential equivalents that contribute to the domestic wastewater facility is 500,000 or greater, the fee is thirty) sixty cents times the number of residential equivalents.

(b) The annual permit fee for each permit issued under RCW 90.48.162 or 90.48.260 that is held by a municipality that holds more than one permit for domestic wastewater facilities and which treats each domestic wastewater facility as a separate accounting entity, maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made, is determined as in (a) of this subsection.

(c) The sum of the annual permit fees for permits held by a municipality that holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260 and which does not treat each domestic wastewater facility as a separate accounting entity, maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made, is determined as ((follows:

(i) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is less than 40,000, the fee is sixty cents times the number of residential equivalents;

(ii) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 40,000 or greater but less

than 150,000, the fee is fifty cents times the number of residential equivalents;

(iii) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 150,000 or greater but less than 250,000, the fee is forty cents times the number of residential equivalents;

(iv) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 250,000 or greater but less than 500,000, the fee is thirty-five cents times the number of residential equivalents;

(v) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 500,000 or greater, the fee is thirty cents times the number of residential equivalents)) in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	Annual Permit Fee
.1 MGD and Greater	<del>(\$2,500.00)</del> \$6,550.00
.05 MGD to < .1 MGD	<del>(1,000.00)</del> 2,620.00
.0008 MGD to < .05 MGD	<del>(500.00)</del> 1,310.00
< .0008 MGD	<del>(150.00)</del> 393.00

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any such amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities differing single-family residential user charges, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities differing single-family residential user charges, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a charge per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user charge for a single-family residence. If the other municipality does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user charge for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user charge is calculated by multiplying by six the bimonthly user charge for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the charge used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user charge for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(v) If the facility received a permit fee reduction in accordance with WAC 173-223-090(3) for its fiscal year 1989 permit fee, the facility may use the residential equivalent count that was made in determining that fee reduction as the number of residential equivalents for calculating its fiscal year 1990 and 1991 permit fees.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Fees will be calculated in even-numbered fiscal years.

(ii) The form shall bear a certification of correctness and be signed:

- (A) In the case of a corporation, by an authorized corporate officer;
- (B) In the case of a limited partnership, by an authorized partner;
- (C) In the case of a general partnership, by an authorized partner;
- (D) In the case of a sole proprietorship, by the proprietor;
- (E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(iv) Residential equivalent counts calculated for the purpose of determining fees under chapter 173-223 WAC for the March 1 through June 30, 1989, period will be used to determine permit fees for fiscal years 1990 and 1991.

**AMENDATORY SECTION** (Amending Order 89-8 and 89-8A, filed 5/31/89 and 3/13/90, effective 4/13/90)

**WAC 173-224-050 PERMIT FEE PAYMENTS.** (1) Permit fee computation. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department receives an application. Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, on the date of termination. Computation shall end on the expiration date of a permit only if a permit holder has indicated to the department in writing that the permitted activity has been terminated.

(2) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department thirty days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. In cases where a new permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the department shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.

(3) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P. O. Box 5128, Lacey, Washington 98503-5128.

(4) In the event a check is returned due to insufficient funds, the permit fee shall be deemed to be unpaid.

(5) Penalty due on delinquent accounts. The department shall charge permit holders a penalty on fee charges that have not been paid by the due date indicated on the billing statement at the rates of: (a) Fifteen percent of the assessed fee for the first thirty days late; (b) twenty-five percent of the assessed fee for between thirty-one days late and sixty days late; (c) fifty percent of the assessed fee for between sixty-one days late and ninety days late. Failure to pay fees and penalties after ninety days late may result in termination of the permit or the exercise of such other legal or equitable remedies that ecology is authorized to carry out, including but not limited to, the assessment of additional penalties. Civil penalties issued by the department may be sufficiently large to offset the economic benefit gained from nonpayment of fees and to deter continued operation and/or nonpayment. Payment of civil penalties shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the penalty. Nothing herein shall be interpreted as restricting the authority of the department to exercise its other enforcement remedies as authorized by law.

**AMENDATORY SECTION** (Amending Order 89-8 and 89-8A, filed 5/31/89 and 3/13/90, effective 4/13/90)

**WAC 173-224-090 SMALL ((DISCHARGER)) BUSINESS FEE REDUCTION.** A small business required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

- (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
- (b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);
- (c) Have fifty or fewer employees; and
- (d) Have annual sales of five hundred thousand dollars or less of the goods or services produced using the processes regulated by the waste discharge permit.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

- (a) In the case of a corporation, by an authorized corporate officer;
- (b) In the case of a limited partnership, by an authorized general partner;
- (c) In the case of a general partnership, by an authorized partner;

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to the greater of: (a) Fifty percent of the permit fee; or (b) ~~((two))~~ six hundred ~~((fifty))~~ fifty-five dollars.

(5) If due to special economic circumstances a fee reduction allowed under subsection (4) of this section would nevertheless still impose an extreme economic hardship on a small business, the small business may so indicate in its application for fee reduction and request a further fee reduction. The small business must provide sufficient evidence to support its claim of extreme hardship. The factors which the department may consider in determining whether the applicant faces special economic circumstances and in setting the applicant's fee include: The applicant's annual sales, the size of its labor force, the conditions of the market which affect the applicant's ability to pass the cost of the permit fee through to its customers, and its average annual profits. In no case will a permit fee be reduced below one percent of the average annual gross sales of the goods or services produced using the process regulated by the waste discharge permit. The average annual gross sales is calculated using the previous three calendar years' gross sales.

### WSR 91-03-081

#### PERMANENT RULES

#### DEPARTMENT OF ECOLOGY

[Order 90-53—Filed January 17, 1991, 2:44 p.m.]

Date of Adoption: January 17, 1991.

Purpose: Chapter 173-166 WAC is being amended to incorporate new provisions for providing emergency drought relief.

Citation of Existing Rules Affected by this Order: Amending chapter 173-166 WAC.

Statutory Authority for Adoption: Section 5, chapter 171, Laws of 1989 (now RCW 43.83B.420).

Pursuant to notice filed as WSR 91-02-099 on January 2, 1991.

Changes Other than Editing from Proposed to Adopted Version: No changes, other than editorial, were made to the proposed amendment. The following editorial changes were made to the proposed amendment: The phrase "or is expected to cause" was added, in keeping with the legislation, to provisions establishing criteria for individual eligibility for emergency drought relief; the phrase "using the procedure specified in WAC 173-166-050" was added to provisions for appeals of orders declaring drought conditions and petitions for declaration of drought conditions to clarify that the process for determination of drought conditions would be the same as otherwise used; the term "one year" was substituted for "52-week" in the provision setting the interest rate for repayment of emergency loans. This term is more commonly used and better understood; and the provision requiring a 15-day review period was removed from the general criteria for funding assistance because it was not required by the legislation. The 15-day review period is still required under the sections which address emergency drought permits and temporary transfers of water rights.

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

January 17, 1991

Fred Olson

Deputy Director

### Chapter 173-166 WAC EMERGENCY (~~(WATER WITHDRAWAL FACILITIES))~~ DROUGHT RELIEF

#### AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-010 PURPOSE. ~~((The purpose of this chapter is to implement that specific appropriation general fund state emergency water projects revolving account as provided in section 75, chapter 339, Laws of 1977 ex. sess., relating to implementation of chapter 1, Laws of 1977 ex. sess.))~~ The legislature in 1989 gave permanent drought relief authority to the department of ecology and enabled ecology to issue orders declaring drought emergencies. Chapter 171, Laws of 1989 amends chapter 43.83B RCW (Water supply facilities).

(1) Chapter 171, Laws of 1989 authorizes the Washington state department of ecology (ecology) to assist in alleviating future drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1989 drought relief legislation.

(2) Ecology has authority under chapter 171, Laws of 1989 to:

(a) Issue emergency permits to withdraw public waters as an alternate source of water supply.

(b) Approve water right transfers between willing parties.

(c) Provide funding assistance for eligible drought projects and measures.

#### AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-020 AUTHORITY. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter ~~((s 1 and 339))~~ 171, Laws of ~~((1977 ex. sess., and after giving notice))~~ 1989 after notification as provided in chapter ~~((34.04))~~ 34.05 RCW.

#### AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-030 DEFINITIONS. ~~((1) "Department" shall mean the department of ecology.~~

~~((2) "User" shall mean any public body which operates, maintains and manages agricultural water supply facilities to divert, carry and distribute water to moisture deficient land used for the production of commercial crops.))~~ As used in this chapter:

(1) "Ecology" is the department of ecology.

(2) "Drought conditions" are water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, less than seventy-five percent of normal water supply as the result of natural conditions and the deficiency causes, or is expected to cause, undue hardship to water users within that area.



- (3) "Essential minimum" for the fisheries resource is:
- (a) That amount of water or flow rate established as a regulation adopted by ecology pursuant to RCW 90.22-.020 or 90.54.050;
- (b) That amount of water or flow placed as a proviso on a water right permit or certificate; or
- (c) That amount of water or flow established on an interim basis to assure the maintenance of fisheries requirements. Such a determination will be made by ecology, in consultation with, among others, the departments of fisheries and wildlife, any concerned federal agencies and affected Indian tribes.
- (4) "Executive water emergency committee (EWEC)" is a committee, chaired by the governor's office, including members of state, local, and federal agencies which reviews water supply information provided by the water supply availability committee and determines potential effects of water shortages upon the state of Washington. Affected Indian tribes will be invited to participate.
- (5) "Geographical area" is an area within the state of Washington which can be described either by natural or political boundaries and which can be specifically identified in an order declaring a drought emergency. Examples of specific geographical areas include, but are not limited to:
- (a) The state of Washington.
- (b) Counties.
- (c) Water resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.
- (d) Individual watersheds which constitute only a portion of a WRIA but whose boundaries can be topographically described.
- (e) Ground water management areas and subareas as defined in chapter 173-100 WAC.
- (f) Designated sole source aquifers.
- (g) Combinations of the above areas.
- (6) "Normal water supply" is:
- (a) For the purpose of the determination of drought conditions, the average amount of water available to a geographical area on an annual basis, based upon evaluation of precipitation, streamflow, snowpack and other hydrological and meteorological factors.
- (b) For the purpose of eligibility for drought assistance:
- (i) That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient practices, including reasonable conveyance losses, under a valid water right permit or certificate, or a supported registered water right claim; or
- (ii) That amount or flow of water required for normal operations of fish hatchery or fish passage facilities. Such facilities, where required by law, must be operating under a valid water right permit or certificate, or under a supported registered water right claim; or
- (iii) The median amount or flow of water that is historically required to provide normal instream habitat conditions for the existing fishery population.
- (7) "Previously established activities" include:
- (a) The irrigation of a specified number of acres, using reasonably efficient practices, under a valid water

right permit or certificate, or a supported registered water right claim.

(b) Those fish-management activities presently employed to maintain the fisheries resource. The resource itself must neither be restored nor enhanced by drought relief actions available under the provisions of this chapter.

(c) The delivery of water by public and private entities through existing supply systems to present populations, areas, and/or facilities for purposes that are non-agricultural and nonfishery related.

(8) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:

(a) Customary practices in the area;

(b) Reasonableness of any facilities at the time of installation;

(c) Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;

(d) Changes in water use practices and technology; and

(e) Impact of alternative water use practices on other water uses and the environment.

(9) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to satisfy ecology that a valid water right would be confirmed should the claim be adjudicated. Applications made for emergency drought permits, water transfers, or funding assistance under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim. Such information may include, but is not limited to:

(a) Documentation of continuous historical exercise of the claimed right;

(b) Historical maps depicting the historical means of irrigation and the areas covered by the claimed right;

(c) Legal documentation, including any previous court or administrative board decisions, which addresses the historical nature and extent of the claimed right;

(d) "Old-timer" testimony which addresses the historical nature and extent of the claimed right.

(10) "Water supply availability committee (WSAC)" is a committee, with a core membership consisting of ecology, the National Weather Service, the Soil Conservation Service, the U.S. Geological Survey, the U.S. Bureau of Reclamation, and other federal agencies involved in water supply forecasting, which reviews pertinent hydrological and meteorological information and assesses water supply conditions for the state of Washington.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-040 (~~GRANT AND LOAN FUND CONDITIONS~~) GENERAL ELIGIBILITY RULE. (1) (~~The director may make loans or combination loans and grants for the following types of projects:~~



~~(a) Water withdrawal facilities to divert water from any source approved under provisions of chapter 1, Laws of 1977 ex. sess., to provide supplemental water to lands previously irrigated for projects which include one or more of the following facilities:~~

- ~~(i) Diversion structures~~
- ~~(ii) Pumps and motors and accessories~~
- ~~(iii) Penstocks and discharge lines~~
- ~~(iv) Canals~~
- ~~(v) Pipelines~~
- ~~(vi) Wells~~

~~(b) Water conservation facilities to provide water which would not otherwise be available to the lands previously irrigated for projects which include the following work:~~

- ~~(i) Repair~~
- ~~(ii) Rehabilitation~~
- ~~(iii) Improvement~~
- ~~(iv) Replacement~~
- ~~(v) Control structures~~

~~(2) Criteria. The director may make loans or combination loans and grants to an eligible user, for projects generally meeting the following criteria:~~

~~(a) Wherever possible, considering cost/effectiveness, the least costly alternative, including conservation measures, to supply adequate water supplies:~~

~~(b) The project will produce measurable water supply benefits in relation to the total needs arising from drought conditions:~~

~~(c) Projects having long-term drought-relief benefits:~~

~~(d) The project selected will minimize impacts on the environment:~~

~~(e) Alternate sources, including conservation through improvements to existing withdrawal facilities, will be favored over increasing withdrawal of water supplies impacted by drought conditions:~~

~~(f) The project will provide water to previously irrigated lands:~~

~~(g) The project will not reduce flows or levels below essential minimums as necessary (i) to assure the maintenance of fisheries requirements, and (ii) to protect federal and state interests including, among others, power generation, navigation, and existing water rights:)) Applications for emergency drought permits, water transfers, or funding assistance made under this chapter will be processed only for previously established activities in a geographical area or part of a geographical area declared to be suffering from drought conditions. Where required by law, such activities must be conducted under a valid water right permit, certificate, or supported registered water right claim.~~

(2) Applications will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(3) All permits and approvals issued under this chapter will be subject to existing rights.

(4) Water obtained through the issuance of temporary permits, water right transfers, and/or funding assistance for projects or measures must be put to beneficial use in

lieu of water which is unavailable because of drought conditions.

(5) All permits and approvals issued under this chapter will be of a temporary nature and will contain an expiration date.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-050 ((LOAN AND GRANT FORMULA)) FORECAST OF DROUGHT CONDITIONS. ((The director may make loans and grants, according to the following formula:

(1) The department may advance funds from these emergency appropriations to make loans or combinations of loans and grants to a user. The grant portion of a combination loan and grant to a user for any project shall not exceed fifteen percent of the total amount received under the drought program by such project.

(2) Loan and grants shall be based upon the user's repayment capabilities:

(3) The grant shall be contingent upon the user accepting the loan:)) (1) Whenever it appears to the department of ecology that drought conditions as defined in WAC 173-166-030(2) either exist or are forecast to occur, ecology will consult with the state's water supply availability committee or its successor. Other appropriate sources of water supply information, such as the Columbia River water management group and the U.S. Army Corps of Engineers, may be consulted by the WSAC as needed.

(2) Should the water supply availability committee determine that a geographical area or a part of a geographical area is receiving, or is likely to receive, seventy-five percent or less of its normal water supply, it will advise the executive water emergency committee and the Indian tribes within the area of that fact. The executive water emergency committee will then make a determination as to whether or not undue hardships will occur as a result of the shortage.

(3) Should the executive water emergency committee determine that an area will suffer undue hardship as a result of a reduced water supply, it will submit a recommendation to that effect to the governor for written approval. Affected Indian tribes will be notified at the time such a recommendation is submitted.

(4) Upon securing the written approval of the governor, ecology will then issue an order declaring a geographical area or a significant part of a geographical area to be suffering from drought conditions and publish that order in a newspaper of general circulation in the area affected by the order.

(5) The determination of drought conditions will be based upon the updated seasonal forecast as applied to the water supply conditions within the designated geographical area or part of a designated geographical area.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-060 ((LOANS)) ORDERS DECLARING DROUGHT CONDITIONS. ((Loans for rehabilitation may be provided by the director, whenever

~~a combination fifteen percent grant and eighty-five percent loan is made:))~~ (1) If the department of ecology determines that a geographical area or part of a geographical area is suffering from drought conditions, it may, upon the advice of the water supply availability committee, with the concurrence of the executive water emergency committee, and the written approval of the governor, issue an order to that effect.

(2) The order declaring drought conditions for a geographical area or part of a geographical area must contain the following elements:

(a) A description of the geographical area or part of a geographical area which is being so designated.

(b) The facts leading to the issuance of the order.

(c) The statutory authority upon which the order is being issued.

(d) The commencement date and termination date of the order. The termination date may be no later than one calendar year from the date the order is issued.

(e) Brief descriptions of the actions which are possible under the order.

(f) Provisions for the termination of withdrawals if essential minimum flows are jeopardized.

(3) Ecology must publish the order declaring a geographical area or a part of a geographical area to be suffering from drought conditions in a newspaper of general circulation in the area affected by the order.

(4) Persons may file written protest as to the contents of the order with ecology. Ecology will have fifteen calendar days from the date of receipt of the protest in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050.

(5) A person who believes that an area should be declared to be suffering from drought conditions may petition ecology for such a declaration. Upon the receipt of such a petition, ecology will have fifteen calendar days from the date of receipt of the petition in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050, and provide a decision to the applicant. The petition should contain the following information:

(a) A description of the geographical area or part of a geographical area which is being requested for designation.

(b) The nature of the relief sought in requesting such a designation.

(c) The facts upon which the petition is based.

(6) Orders declaring areas to be suffering from drought conditions may, with the written approval of the governor, be amended one or more times to change the termination date, provided that the termination date of the order, as amended, is no more than two calendar years from the date the order is first issued.

(7) Orders declaring areas to be suffering from drought conditions may be issued for different areas of the state and sequentially for the same area if drought conditions persist.

AMENDATORY SECTION (Amending Order 88-11, filed 6/9/88)

WAC 173-166-070 ((REGULATION REVIEW)) EMERGENCY DROUGHT PERMITS. ((The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions:)) Ecology may allow water users to obtain water from alternate sources during drought conditions. To accomplish this, ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water, including dead storage in reservoirs. Permits will be processed under the following criteria:

(1) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(2) An application will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(3) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for emergency drought permits, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed withdrawal.

(4) Waters authorized to be withdrawn must be used in relation to a previously established activity as defined in this chapter. The permit must not cover irrigation of new lands, restoration or enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn must constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal must not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, but not limited to, power generation, navigation, water quality, and existing water rights.

(7) Emergency drought permits issued under this chapter will be temporary in nature and must expire no later than the expiration date of the order declaring the area in which the permitted activity is authorized to be suffering from drought conditions.

(8) Priority will be given to domestic and irrigation uses of water for any emergency withdrawals authorized under this chapter.

(9) Emergency drought permits issued under this chapter must contain provisions for termination should the withdrawal reduce flows or levels below essential minimums as defined in this chapter.

(10) To expedite the issuance of emergency drought permits, ecology is authorized to process the applications and issue the permits without compliance with requirements for:

(a) Notice of newspaper publication.

(b) The State Environmental Policy Act.

## NEW SECTION

**WAC 173-166-080 TEMPORARY TRANSFERS OF WATER RIGHTS.** (1) Ecology may approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, but are not limited to, the following situations:

(a) A water right holder may choose to reduce irrigated acreage and transfer the unused water to another water right holder whose normal water supply is decreased by drought conditions. The acreage irrigated with transferred water on the second parcel may not exceed the acreage reduction on the first parcel.

(b) A water right holder may transfer a water right from an out-of-stream use to an instream use.

(c) Municipalities or other public bodies may transfer water between one another.

(3) Requests for water right transfers will be processed under the following criteria:

(a) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(b) An application for a water right transfer will be processed if the recipient water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(c) All approvals by ecology for water right transfers under this chapter will be temporary in nature and will be for the purpose of alleviating drought conditions. These approvals must terminate no later than the expiration date of the order which declares the area to be suffering from drought conditions.

(d) Water right transfers between willing parties may be approved when an emergency exists only if such a transfer will not affect existing rights whatsoever, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, but not limited to, power generation, navigation, and water quality.

(e) Water rights may be transferred within areas declared to be suffering from drought conditions. Water rights may also be transferred from outside an area declared to be suffering from drought conditions into an area declared to be suffering from drought conditions, provided such a transfer of water is physically possible

and is consistent with the provisions of RCW 90.03.380, 90.03.390, and 90.44.100. Water rights will not be transferred from within an area declared to be suffering from drought conditions to outside that area.

(f) To expedite water transfers during drought conditions, ecology can approve temporary changes in water rights without compliance with requirements for:

(i) Notice of newspaper publication.

(ii) The State Environmental Policy Act.

(g) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, ecology will assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(h) The temporary changing of a water right under this chapter will not be admissible as evidence in either supporting or contesting the validity of water claims in a general adjudication of water rights in the state of Washington.

(i) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for temporary water right transfers, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed transfer.

## NEW SECTION

**WAC 173-166-090 FUNDING ASSISTANCE—GENERAL CRITERIA.** Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate drought conditions relating to agricultural and fisheries survival. Funding is available from emergency agricultural water supply funds under RCW 43.83B.300. Funding assistance will be based upon the total funds available at the beginning of the current biennium. General criteria under which funds will be provided:

(1) Public bodies eligible to receive emergency funds are defined in RCW 43.83B.050 as ". . . the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington."

(2) The public body applying for emergency funds must be conducting the previously established activity for which they seek funding assistance within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(3) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity for which they seek funding assistance

and experiencing, or be expected to experience, undue hardship as a result.

(4) Funding assistance will be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(5) Funding assistance will be available only for projects or measures undertaken in response to drought conditions which are beyond the normal scope of operations of the public body applying for emergency funds.

(6) No more than ten percent of total available funds will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries during a given biennium.

(7) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(8) Loans, grants, or combination loans and grants may be used as matching funds in cases where federal, local, or other funds are also available.

(9) Emergency loans may be approved with a payback period not to exceed fifteen years, with the interest rate to be equal to the final discount rate established for one year U.S. Treasury Bills at the first auction following the beginning of the state fiscal year in which the loan is approved.

(10) Ecology, plus all state and local agencies that are affected by the proposed project or measure, in keeping with the emergency nature of these provisions, will process the respective application(s) and provide a decision(s) to the applicant in an expeditious manner.

(11) To expedite the implementation of drought relief projects and measures, ecology can approve funding assistance without compliance with requirements for:

- (a) Notice of publication.
- (b) The State Environmental Policy Act.

#### NEW SECTION

**WAC 173-166-100 FUNDING ASSISTANCE—AGRICULTURAL CRITERIA.** (1) Funding assistance to alleviate drought conditions in irrigated agriculture will be provided under the following formula:

(a) No single entity will receive more than ten percent of the total funds available for drought relief.

(b) A loan may be made for up to ninety percent of total eligible project costs.

(c) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(e) The grant or grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(f) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to

forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (e) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(g) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) The proposed project or measure must be within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(b) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply and experiencing, or be expected to experience, undue hardship as a result for the previously established activity for which they seek funding assistance.

(c) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose.

(d) The proposed project or measure must assist in alleviating a water shortage.

(e) The public body receiving the loan must satisfy ecology as to its ability to repay the loan and complete the project or measure.

(f) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(g) Water derived from the project or measure must not be used to irrigate new lands.

(h) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(i) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

- (a) Pumps and accessories.
- (b) Discharge lines.
- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Liners for leaky pipes and canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Wells with pumps and accessories.

(4) Eligible measures that may be funded include the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional cost to the applicant as the result of drought conditions, and not as a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water leasing fees.

(ii) Repair costs.

(iii) Power costs.

(5) Priority will be given to those proposed agricultural projects and measures which:

(a) Need additional water supplies. Need will be measured by:

(i) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief;

(ii) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant;

(iii) The percent of water shortage expected for each applicant.

(b) Are the most effective in achieving long-term reductions (conservation) in water requirements and/or more efficient use of available supplies.

(c) Present no, or minimal, overall environmental impacts, including any detrimental effects to wetlands. Any such impacts should be identified to the best extent possible by the applicant at the time of application.

(6) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

## NEW SECTION

WAC 173-166-110 FUNDING ASSISTANCE—FISHERIES CRITERIA. (1) Ecology may provide funding assistance to alleviate drought conditions affecting the state's fisheries resource provided that no other capital budget funds are available for these purposes at the date of application, as verified by the office of financial management. Funding assistance will be based upon the following formula:

(a) A loan may be made for up to ninety percent of total eligible project costs.

(b) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(d) The grant or the grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(e) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (d) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(f) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(g) No more than ten percent of total funds available at the beginning of the current biennium will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries, during that biennium.

(2) Eligibility conditions for each proposed fisheries project are:

(a) The project lies within a geographic area declared to be suffering from drought conditions.

(b) The proposed project must assist in alleviating the water shortage.

(c) Water from the proposed project must be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance must not be used to restore or enhance the fisheries resource.

(3) Eligible projects that may be funded for the protection of fish culture at hatcheries from drought conditions include, but are not limited to:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation systems, or mechanical aeration.

(4) Eligible projects that may be funded to protect instream fish habitat from drought conditions include, but are not limited to:

(a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.

(b) Augmentation of instream flows through temporary withdrawals of ground waters.

(c) Stream channel modification such as trenching, sandbagging, or berming to protect spawning gravels.

(5) Eligible projects that may be funded to optimize fish survival during drought conditions include, but are not limited to:

(a) Capture and relocation of stranded fish.

(b) Stream channel modification such as trenching, sandbagging, or berming to provide migratory channels for fish passage.

(6) The departments of fisheries and wildlife, plus any potentially affected Indian tribes, will be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

(7) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

#### NEW SECTION

**WAC 173-166-120 REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS.** (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from the ecology headquarters office, water resources program, or from any of the four ecology regional offices. Ecology regional offices are located in Redmond, Spokane, Tumwater, and Yakima.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office in Olympia.

(3) Ecology actions pertaining to the determination of which areas are suffering from drought conditions, the issuance of orders declaring areas to be suffering from drought conditions, plus any actions concerning protests of such declarations or petitions for consideration for such a designation will be conducted by the ecology headquarters office, water resources program.

(4) Ecology actions pertaining to emergency drought permits and water right transfers will be conducted by the appropriate ecology regional office.

(5) The ecology headquarters office, water resources program, will administer funding assistance and manage the drought relief program in accordance with the provisions of this chapter.

#### NEW SECTION

**WAC 173-166-130 APPEALS.** All final written decisions of the department of ecology made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW.

#### NEW SECTION

**WAC 173-166-140 REGULATION REVIEW.** The department of ecology will initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

**WSR 91-03-082  
PERMANENT RULES  
WILDLIFE COMMISSION**

[Order 482—Filed January 17, 1991, 2:50 p.m., effective January 18, 1991]

Date of Adoption: January 11, 1991.

Purpose: To amend the deleterious exotic wildlife regulation to add several species.

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 90-24-080 on December 5, 1990.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-297 differs from the proposed version filed with the code reviser in the following respects: In subsection (4)(e), added the language: , all nonnative subspecies, (so that subsection (4)(e) now reads In the family Cervidae, the european red deer (Cervus elaphus), all nonnative subspecies, and all hybrids with North American elk). This language was added to provide further protection of the native species; in subsection (6)(b), added the language: except to and by other AAZPA accredited facilities with written director approval, (so that subsection (6)(b) now reads: (b) the specimens will not be transferred to any other location, except to and by other AAZPA accredited facilities with written director approval.). This language was added to allow display by zoos or aquariums that are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA); in subsection (6)(c), added the language: except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval, (so that subsection (6)(c) now reads: (c) the specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval, and). This language was added to allow display by zoos or aquariums that are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA); in subsection (7), added the language: or disposal (so that subsection (7) now reads: (7) Retention or disposal of existing specimens in captivity:). This language was added to clarify intent of title; in subsection (7)(a), changed language: January 18, 1992 to March 18, 1991; and added the language: the species, (so that subsection (7)(a) now reads: (a) the person reports to the director in writing by March 18, 1991 the species, number and location of the specimens.). This language was added to protect the wildlife and environment from potential impacts of a surge of activity on these dangerous species; and in subsection (7)(c), changed language: the to live; and added the language: , except for transfer or sale to locations outside the state of Washington, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval. (so that (7)(c) now reads: (c) live specimens are not propagated, sold, transferred, or released, except for transfer or sale to locations outside the state of Washington, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval.). This language was added to allow those people holding these species to dispose of them in a way that will not impact the native population.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An effective date earlier than 31 days after filing is necessary for the preservation of the public health, safety, and general welfare and to observe the time requirements

would be contrary to the public interest. The basis for this finding is to protect the wildlife and environment from potential impacts of a surge of activity on these dangerous species before the rule becomes effective.

Effective Date of Rule: January 18, 1991.

January 17, 1991

Curt Smitch

Director

for John C. McGlenn

Chair

AMENDATORY SECTION (Amending Order 434, filed 5/1/90)

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

(1) Fish

(a) ~~((1))~~ ((Walking catfish, *Clarias batrachus*)) In the family Claridae, (walking catfish) all members of the family.

~~((2))~~ Mongoose, all forms of the genus *Herpestes*)

~~((3))~~ (b) In the family Chprinidae, (Diploid Grass carp,) *Ctenopharyngodon idella*

(c) In the family Amiidae, (bowfin, mudfish or grinnel) *Amia calva*

(d) In the family Characidae, the piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa), all species of the genera *Serrasalmus*, *Rooseveltiella* and *Pygocentrus*

(e) In the family Cyprinidae, the rudd (*Scardinius erythrophthalmus*) and Ide [silver orfe or golden orfe (*leuciscus idus*)]

(f) In the family Lepiosteidae, the gar-pikes

(g) In the family Channidae, the snakeheads (China fish) and all forms of the genus *Channa* (*Ophicephalus*)

(2) Amphibians

~~((4))~~ (a) In the family Pipidae, the African clawed frog(;) (*Xenopus laevis*)

(3) Birds

(a) In the family Anatidae, the mute swan (*Cygnus olor*)

(4) Mammals

(a) In the family Viverridae, the mongoose (all members of the genus *Herpestes*

~~((5))~~ (b) In the family Suidae, the wild boar (*Sus scrofa* and all wild hybrids) (~~involving the species *Sus scrofa*~~)

~~((6))~~ (c) In the family Tayassuidae, the collared peccary (javelina)(;) (*Tayassu tajacu*) (~~*Dicotyles tajacu*~~)

(d) In the family Bovidae, all members and hybrids of the following genera - *Rupicapra* (Chamois); *Hemitragus* (Tahr); *Capra* (goats, ibexes except domestic goat *Capra hircus*); *Ammotragus* (Barbary Sheep or Aoudad); and *Ovis* (only mouflon species - *Ovis musimon*)

(e) In the family Cervidae, the european red deer (*Cervus elaphus*), all non-native subspecies, and all hybrids with North American elk.

(5) It is unlawful to import (~~((or))~~) into the state, hold, possess, propagate, sell, transfer, or release live specimens of deleterious exotic wildlife except (~~for purposes~~

of scientific research as authorized by the director)) as provided under (6) or (7) below.

(6) Scientific research or display: The director may authorize a person to import into the state, hold, or possess live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided: (a) the specimens are confined to a secure facility, (b) the specimens will not be transferred to any other location, except to and by other AAZPA accredited facilities with written Director approval, (c) the specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written Director approval, and (d) the person will keep such records on the specimens and make such reports as the director may require.

(7) Retention or Disposal of Existing Specimens in Captivity: A person holding exotic wildlife specimens in captivity which are classified by the Wildlife Commission as deleterious exotic wildlife may retain the specimens he/she lawfully possesses prior to January 18, 1991 provided: (a) the person reports to the director in writing by March 18, 1991 the species, number and location of the specimens, (b) the specimens are confined to a secure facility at the location reported, and (c) live specimens are not propagated, sold, transferred, or released, except for transfer or sale to locations outside the state of Washington, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written Director approval.

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-03-083

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-01—Filed January 17, 1991, 4:25 p.m.]

Date of Adoption: January 17, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-32-057.

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 sturgeon are available and these rules are adopted to conform with regulations adopted by the treaty tribes to harvest their allotment of available sturgeon.



Effective Date of Rule: Immediately.

January 17, 1991  
Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-32-05700F COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE.** (1) Notwithstanding the provisions of WAC 220-32-057, effective immediately until further notice, it is unlawful for a person to take sturgeon with set line gear or to possess sturgeon taken with set line gear for commercial purposes from Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) Fish for sturgeon using set line gear effective immediately until to noon January 31, 1991.

(2) During the season specified in subsection 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(3) During the season specified in subsection 1, it shall be unlawful to use set line gear:

(a) With more than 100 hooks per set line.

(b) With hooks less than the minimum size of 9/0.

(c) With treble hooks.

(d) Without visible buoys attached and with buoys that do not specify operator and tribal identification.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection 1:

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

**WSR 91-03-084**

**EMERGENCY RULES  
PIERCE COLLEGE**

[Filed January 17, 1991, 4:45 p.m.]

Date of Adoption: January 9, 1991.

Purpose: To protect the welfare of the student population and the college community.

Citation of Existing Rules Affected by this Order: Repealing chapter 132K-16 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or 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: Public Law 101-226.

Effective Date of Rule: Immediately.

January 17, 1991

Frank B. Brouillet  
President

Reviser's note: The material contained in this filing will appear in the 91-04 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 91-03-085**

**ATTORNEY GENERAL OPINION**

**Cite as: AGO 1991 No. 1**

[January 16, 1991]

**HIGHWAYS AND ROADS—STATE PATROL—TRANSPORTATION OF RADIOACTIVE MATERIALS**

RCW 46.48.200 restricts to the Legislature the authority to designate additional Washington ports of entry for highway transportation of radioactive waste material. RCW 46.48.200 expires when both the Washington Legislature and at least one other eligible state enact an interstate agreement on radioactive materials transportation management. The enactment of the Pacific States Agreement on radioactive Material Transportation Management, codified in RCW 43.146.010, did not cause RCW 46.48.200 to expire.

Requested by:

Honorable Dean Sutherland  
State Senator, District 17  
405 John A. Cherberg Building  
Olympia, WA 98504

**WSR 91-03-086**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Memorandum—January 15, 1991]

A special meeting of the Board of Boiler Rules will be held February 13, 1991, at 10:00 a.m. at the Bellevue Labor and Industries Office, 616 120th Avenue N.E., Suite C-201. The meeting is to discuss a request for a



determination regarding the applicability of boiler regulations to combination hot water supply/hot water heating systems. This meeting is for board discussion only and no comments will be received from the public.

**WSR 91-03-087**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed January 18, 1991, 10:32 a.m.]

Continuance of WSR 90-24-076.

Title of Rule: American Indian endowed scholarship program.

Date of Intended Adoption: March 27, 1991.

January 15, 1991  
 Ann Daley  
 Executive Director

**WSR 91-03-088**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed January 18, 1991, 11:15 a.m.]

Date of Adoption: January 18, 1991.

Purpose: Provides instructions for requesting individual vehicle owner names and addresses.

Statutory Authority for Adoption: RCW 46.01.110 and 88.02.070.

Pursuant to notice filed as WSR 90-22-073 on November 6, 1990.

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

December 20, 1990

Mary Faulk  
 Director

**NEW SECTION**

**WAC 308-56A-090 DISCLOSURE OF INDIVIDUAL VEHICLE OWNER NAMES AND ADDRESSES.** (1) Any business entity requesting the names and address of an individual vehicle owner must furnish verification of its identity as a business entity. For purposes of this section, acceptable verification includes:

(a) A copy of the requesting entity's unexpired Washington master business license; or

(b) For businesses not authorized to do business in this state, a copy of its unexpired business license issued by the out-of-state jurisdiction where the business entity is authorized to do business.

(2) Any individual purchaser or transferee of a vehicle may request the name and address of previous owners of that vehicle by providing verification that the person is the purchaser or transferee of the vehicle. Acceptable verification includes:

(a) A properly released vehicle certificate of ownership; or

(b) A certificate of ownership issued in the requester's name; or

(c) A bill of sale from the vehicle owner on record with the department; or

(d) A bill of sale from a person claiming to be a more recent owner than the owner of record with the department.

(3) Any person requesting the name or address of an individual vehicle owner shall complete a form provided by the department giving their full business or individual name and the purpose for the requested information. If the purpose for the information is in connection with a prior business transaction, that prior business transaction must be identified.

**WSR 91-03-089**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed January 18, 1991, 11:17 a.m.]

Date of Adoption: January 18, 1991.

Purpose: Provides instructions for requesting individual vessel owner names and addresses.

Statutory Authority for Adoption: RCW 88.02.100 and 88.02.070.

Pursuant to notice filed as WSR 90-22-074 on November 6, 1990.

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

December 20, 1990

Mary Faulk  
 Director

**NEW SECTION**

**WAC 308-93-670 DISCLOSURE OF INDIVIDUAL VESSEL OWNER NAMES AND ADDRESSES.** (1) Any business entity requesting the names and address of an individual vessel owner must furnish verification of its identity as a business entity. For purposes of this section, acceptable verification includes:

(a) A copy of the requesting entity's unexpired Washington master business license; or

(b) For businesses not authorized to do business in this state, a copy of its unexpired business license issued by the out-of-state jurisdiction where the business entity is authorized to do business.

(2) Any individual purchaser or transferee of a vessel may request the name and address of previous owners of that vessel by providing verification that the person is the purchaser or transferee of the vessel. Acceptable verification includes:

(a) A properly released vessel certificate of ownership; or

(b) A certificate of ownership issued in the requester's name; or

(c) A bill of sale from the vessel owner on record with the department; or

(d) A bill of sale from a person claiming to be a more recent owner than the owner of record with the department.

(3) Any person requesting the name or address of an individual vessel owner shall complete a form provided by the department giving their full business or individual name and the purpose for the requested information. If the purpose for the information is in connection with a prior business transaction, that prior business transaction must be identified.

**WSR 91-03-090**  
**PERMANENT RULES**  
**ENERGY OFFICE**  
**(Energy Facility Site Evaluation Council)**  
 [Filed January 18, 1991, 11:33 a.m.]

Date of Adoption: January 14, 1991.

Purpose: Except for WAC 463-54-070 and 463-58-030, all revision is to bring Title 463 WAC into conformance with chapter 34.05 RCW. WAC 463-54-070 is revised to consolidate and clarify the council's enforcement options, WAC 463-58-030 is revised to clarify the fees charged for persons employed to process applications.

Citation of Existing Rules Affected by this Order: Repealing WAC 463-39-130; and amending WAC 463-06-010, 463-10-010, 463-14-030, 463-14-080, 463-18-020, 463-26-120, 463-26-130, 463-28-060, 463-28-080, 463-38-041, 463-38-042, 463-38-063, 463-39-150, 463-47-060, 463-50-030, 463-54-070, and 463-58-030.

Statutory Authority for Adoption: RCW 80.50.040.

Pursuant to notice filed as WSR 90-24-083 on December 5, 1990.

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

January 14, 1991  
 Robert G. Waldo  
 Chairman

**AMENDATORY SECTION** (Amending Order 103, filed 11/4/76)

WAC 463-06-010 ORGANIZATION OF THIS TITLE. This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-30 WAC contains procedural provisions governing (~~contested case hearings~~) adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory ( ~~rulings~~) orders from the council.

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-46 WAC contains guidelines relating to information which may have to be included in an application for site certification pursuant to the State Environmental Policy Act.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

**AMENDATORY SECTION** (Amending Order 104, filed 11/4/76)

WAC 463-10-010 DEFINITIONS. Except where otherwise indicated in the following chapters, the following terms have the meaning shown:

(1) "Council" refers to the energy facility site evaluation council created pursuant to chapter 80.50 RCW and, where appropriate, to the staff of the council.

(2) "Applicant" means the person or entity making application for a certification or permit covered by this title.

(3) (~~"Contested case"~~) "Adjudicative proceeding" means a proceeding conducted pursuant to RCW 80.50.090(3) and the state Administrative Procedure Act.

**AMENDATORY SECTION** (Amending Order 104, filed 11/4/76)

WAC 463-14-030 PUBLIC HEARINGS POLICY. RCW 80.50.090 requires a minimum of two public hearings concerning each site for which certification is sought. The first of these is the local public hearing described in RCW 80.50.090 (1) and (2) where the council is obligated to determine whether or not the proposed use of the site is consistent and in compliance with county or regional land use plans or zoning ordinances at the time of application. However, in order to foster general public comment on the proposed site, the council will allow general public comment at such local public hearings, wherever possible. The council must also conduct a second public hearing as (~~a contested case~~) an adjudicative proceeding under chapter (~~34.04~~) 34.05

RCW. Although all persons desirous of participating may not be accorded "party" status in this proceeding, upon compliance with reasonable procedures, any person desiring to be heard shall be allowed to speak in favor of or in opposition to the proposed facility after the close of the evidentiary hearing but prior to preparation of any recommendation to the governor. The council views the provisions of RCW 80.50.090(4) as authorizing it to conduct additional public hearings of either the "local public hearing" or "~~((contested case))~~ adjudicative proceeding" variety.

AMENDATORY SECTION (Amending Order 81-4, filed 9/30/81)

WAC 463-14-080 EFSEC DELIBERATIVE PROCESS. RCW 80.50.100 requires the council to report to the governor its recommendation as to the approval or rejection of an application for certification. In order for the council to develop such a recommendation it shall utilize a deliberative process for analysis and evaluation of an application to determine compliance with the intent and purpose of chapter 463-42 WAC. The council will contract for an independent consultant study of the application. An environmental impact statement also will be adopted.

The council during the deliberative process will conduct an extensive public hearing as ~~((a contested case))~~ an adjudicative proceeding for the presentation of evidence on the application. The council will conduct sessions for the taking of public testimony concerning the proposed project. The council will evaluate public comments received as part of the environmental review. The council throughout all of the deliberative process will consider any laws or ordinances, rules or regulations which may be preempted by certification. The council in open session, when fully satisfied that all issues have been adequately discussed will consider and by majority decision will act on the question of approval or rejection of an application.

AMENDATORY SECTION (Amending Order 105, filed 11/4/76)

WAC 463-18-020 GOVERNING PROCEDURE. Council business at regular and special meetings is conducted according to Roberts Rules of Order except as suspended by majority vote. To the extent that any ~~((contested case))~~ adjudicative proceeding is dealt with at regular or special meeting of the council, it is to be governed by the procedures set forth in chapters 463-30 and 463-38 WAC.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-120 INITIAL DETERMINATION SUBJECT TO REVIEW. At the time that the determination on zoning or land use planning is made, the council shall explain that this determination may be reopened later during the course of ~~((a contested case hearing))~~ the adjudicative proceeding by the parties to that proceeding when good cause is shown.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-130 PUBLIC INFORMATION MEETING. The council shall conduct at least one public information meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

The general public will be afforded an opportunity to present written or oral comments relating to the proposed project. The comments will not be part of the ~~((contested case))~~ adjudicative proceeding record.

The informational meeting will be held in the general proximity of the proposed project. Whenever feasible it will be held in conjunction with the land use or zoning hearing as a separate and independent order of business.

AMENDATORY SECTION (Amending Order 83-2, filed 3/31/83)

WAC 463-28-060 REQUEST FOR PREEMPTION—~~((CONTESTED CASE))~~ ADJUDICATIVE PROCEEDING. Should an applicant elect to continue processing the application and file a request with the council for state preemption, the council will schedule ~~((a contested case))~~ an adjudicative proceeding hearing on the application as specified under chapter 463-30 WAC. The council shall determine during the ~~((contested case))~~ adjudicative proceeding whether to recommend to the governor that the state should preempt the local land use plans or zoning ordinances for a site or portions of a site for the energy facility proposed by the applicant. The factors to be evidenced under this issue are those set forth in WAC 463-28-040. The determination of preemption shall be by council order, and shall be included in its recommendation to the governor pursuant to RCW 80.50.100.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-28-080 PREEMPTION—FAILURE TO JUSTIFY. During the ~~((contested case hearing))~~ adjudicative proceeding, if the council determines that the applicant has failed to justify the request for state preemption, the council shall do so by issuance of an order accompanied by findings of fact and conclusions of law. Concurrent with the issuance of its order, the council shall report to the governor its recommendation for rejection of certification of the energy facility proposed by the applicant.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

WAC 463-38-041 NOTICE, PROVISIONS. (1) Notices shall be circulated within the geographical areas of the proposed discharge, and shall be published in a local or daily newspaper of general circulation; such circulation may include any or all of the following:

(a) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(b) Posting at or near the entrance of the applicant's principal place of business and in nearby places.

(2) Any persons may, within thirty days following the date of the public notice, submit their written views on the tentative determinations with respect to the NPDES application. All written comments submitted during the 30 day comment period shall be retained by the council and considered in their final determination with respect to the NPDES applications. The period for comments may be extended at the discretion of the council.

(3) The contents of public notice of application for NPDES permits shall include at least the following:

(a) Name, address and telephone number of agency issuing the public notice;

(b) Name and address of applicant;

(c) Brief description of applicant's activities or operations which result in the discharge described in the NPDES application (e.g., thermal electric power generating facility stationary or floating);

(d) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway, indicating whether such discharge is new, a modification, or an existing discharge;

(e) A statement of the tentative determination to issue or deny an NPDES permit for the discharge described in the NPDES application;

(f) A brief description of the procedures for the formulation of final determinations, including the 30 day comment period required by paragraph (2) of this section and any other means set forth in WAC 463-38-034 (1)(e).

(g) Address and telephone number of state or interstate agency premises at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to WAC 463-38-033(2), request a copy of the fact sheet described in WAC 463-38-034 and inspect and copy NPDES forms and related documents at a reasonable charge.

(4) Public and agency notice will be given as set forth below:

(a) Notice shall be mailed to any person or group carried on the mailing list identified in WAC 463-38-034(2). The name of any person or group shall be added upon written request to a mailing list for distributing copies of notices for all NPDES applications within the state or within a certain geographical area.

(b) At the time of issuance of public notice pursuant to WAC 463-38-041 a fact sheet will be sent to:

(i) Any other state whose waters may be affected by the issuance of the NPDES permit and to any interstate

agency having water quality control authority over waters which may be affected by the issuance of a permit and, upon request, providing such state and interstate agencies with a copy of the NPDES application and a copy of the proposed permit prepared pursuant to WAC 463-38-033(2). Each affected state and interstate agency shall be afforded an opportunity to submit written recommendations to the council and to the regional administrator, which shall be duly considered by the council in accordance with the policies, provisions and regulations of the act, chapter 80.50 RCW et seq., and chapter ~~((34.04))~~ 34.05 RCW et seq.

(ii) The district engineer of the Army Corps of Engineers for NPDES applications for discharges (other than minor discharges) into navigable waters.

(iii) Any other federal, state or local agency or any affected county upon request and shall provide such agencies an opportunity to respond, comment or request a public hearing pursuant to WAC 463-38-042. Such agencies shall include at least the following:

(a) The agency responsible for the preparation of an approved plan pursuant to section 208(b) of the act;

(b) DOE; and

(c) Appropriate public health agencies, including those represented on the council.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

WAC 463-38-042 PUBLIC HEARINGS. (1) Any applicant affected state, affected interstate agency, affected county, any interested agency, person or group of persons, or the regional administrator may request of or petition the council for a public hearing to be held with respect to an NPDES application. Any such request or petition for public hearing shall be filed within thirty days after the giving of public notice pursuant to WAC 463-38-041. Said request or petition shall indicate the interest of the party filing such request and the reasons why it is thought that a hearing is warranted.

(2) A public hearing shall be held if there is a significant public interest (including the filing of request(s) or petition(s) for such hearing) in holding such a hearing. Instances of doubt should be resolved by the council in favor of holding the hearing.

(3) Any hearings brought pursuant to this section shall be held in the geographical area of the proposed discharge or other appropriate area, in the discretion of the council, and may, as appropriate, consider related groups of permit applications.

(4) Any public hearings held hereunder will be conducted in accordance with provisions of RCW 80.50.090, chapter ~~((34.04))~~ 34.05 RCW et seq., and regulations promulgated thereunder.

(5) Public notice of any hearing held pursuant to WAC 463-38-042 (1) through (4) shall be circulated at least as widely as was the notice of the NPDES application and shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice or the fact sheet for the NPDES application;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least [thirty] days in advance of the hearing. The council may give notice of a public hearing concurrent with public notice given pursuant to WAC 463-38-041.

(6) The contents of public notice of any hearing held pursuant to WAC 463-38-042 (1) through (4) shall include at least the following notice which meets the requirements of this section:

(a) Name, address and phone number of the council;

(b) Name and address of each applicant whose application will be considered at the hearing;

(c) Name of waterway to which each discharge is made and short description of the location of each discharge on the waterway;

(d) A brief reference to the public notice issued for each NPDES application, including identification number and date of issuance (where applicable);

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

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

(h) Address and phone number of premises at which interested persons may obtain further information, request a copy of each draft NPDES permit prepared pursuant to WAC 463-38-033(2) above, request a copy of each fact sheet prepared pursuant to WAC 463-38-034, and inspect a copy NPDES forms and related documents; and

(i) A brief description of the nature of the hearing, including the rules and procedures to be followed.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

WAC 463-38-063 APPEAL. (1) The approval, rejection, or modification of an NPDES permit shall be subject to judicial review pursuant to the provisions of chapter ((34.04)) 34.05 RCW.

(2) No appeal shall be taken under paragraph (1) until such time as the council makes its recommendations to the governor pursuant to RCW 80.50.100(2).

**AMENDATORY SECTION** (Amending Order 79-1, filed 8/6/79)

WAC 463-39-150 VARIANCE. (1) Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the council for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the council may require. The council may grant such variance, but only after public hearing or due notice if it finds that:

(a) The emissions occurring or proposed do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the council has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available to the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the council may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the council is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (a) and (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the council on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the council finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the council shall give public notice of such application in accordance with its rules and regulations.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the council. However, any applicant adversely affected by the denial or terms and conditions of the granting of an application for a variance or renewal of a variance by the council may obtain judicial review thereof under the provisions of chapter ((34.04)) 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the council pursuant to this section shall be approved or disapproved by the council within sixty-five days of receipt unless the applicant and the council agree to a continuance.

(8) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-060 EFFECT OF EXPEDITED PROCESSING. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant, and

(2) Hold ~~((a contested case))~~ an adjudicative proceeding hearing under chapter ~~((34.04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

WAC 463-47-060 ADDITIONAL TIMING CONSIDERATIONS. (1) The council will determine when it receives an application whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the council will request the applicant to complete an environmental checklist. A checklist is not needed if the council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the council is unsure whether the proposal is exempt.

(2) The council when it receives an application and environmental checklist will determine whether the council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the council is not the lead agency, the council shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) The council may initiate ~~((a contested case))~~ an adjudicative proceeding hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council shall initiate and conclude ~~((a contested case))~~ an adjudicative proceeding hearing required by RCW 80.50.100 prior to issuance of the final EIS.

AMENDATORY SECTION (Amending Order 110, filed 11/16/76)

WAC 463-50-030 PRINCIPLES GOVERNING SELECTION OF INDEPENDENT CONSULTANTS. Each consultant selected to perform independent consulting services shall have demonstrated its qualifications on the basis of experience and competence in specific, or closely associated, areas for which consulting services are desired. A consultant shall not be hired or

retained by the council if upon examination by the council, a significant conflict of interest is found with regard to the applicant or other parties involved or potentially involved in the ~~((contested case))~~ adjudicative proceeding(s).

AMENDATORY SECTION (Amending Order 81-3, filed 5/13/81)

WAC 463-54-070 ~~((EMERGENCY ACTION BY CHAIRMAN))~~ ENFORCEMENT ACTIONS. ~~((+))~~ The chairman of the council or his designee is authorized and shall take action to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the release of pollutants from facilities sited under chapter 80.50 RCW including as appropriate:

(a) The issuance of an order to immediately terminate an endangerment or an endangering release and the suspension of the NPDES or other permit issued by the council.

(b) The notification of the departments of emergency services and social and health services and other appropriate agencies, as necessary, that protective measures are required immediately to safeguard the health or welfare of persons so endangered.

(c) The reference of matters to the attorney general for appropriate enforcement action for violations of site certification agreements and NPDES or other permits issued by the council.

(2) The chairman's action will be confirmed or modified by the council within seventy-two hours of execution at a special or regular meeting of the council, whichever will occur the earliest.) (1) General. The council establishes four types of enforcement action in order to provide the council with a range of responses to apparent violations of a site certification agreement or the laws and rules enforced by the council. The range allows the chair or the council to choose an approach which it determines, in its discretion, to be best suited in light of the apparent seriousness of an apparent violation, the potential danger to humans or the environment, the willingness and ability of the violator to make required corrections, and the speed with which corrective action should be taken.

(2) Emergency action by chair.

(a) Emergency action is appropriate when the chair or chair's designee believes that the nature of an apparent violation requires action too swiftly to allow for deliberation and decision by the full council or that action is required pending the completion of other enforcement action.

(b) The chair of the council or the chair's designee is authorized to take immediate action to halt or eliminate any imminent or actual substantial danger to health or welfare of persons or the environment resulting from violation of law or of terms of the site certification agreement, including the release of pollutants from facilities sited under chapter 80.50 RCW. The chair may:

(i) Order the immediate termination of an endangerment or an endangering release and the immediate suspension of an NPDES or other permit issued by the

council, or order the immediate commencement of corrective action;

(ii) Notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(iii) Request the prosecuting attorney of an affected county or the attorney general to take immediate enforcement action for violations of certification agreements or permits pursuant to RCW 80.50.150(6).

(c) The council shall consider any emergency action at a regular or special meeting as soon as practical after the action is taken. It may adopt, rescind, or modify emergency action and may take other enforcement action as specified in this rule. The council retains jurisdiction to maintain or modify emergency action until the circumstances requiring the action are cured to the council's satisfaction or until other enforcement actions supersede the emergency action, whichever first occurs.

(d) If feasible, the council shall allow the subject of emergency action to present its views prior to adopting, affirming, or modifying the action.

(3) Notice of incident and request for assurance of compliance.

(a) A notice of incident is appropriate when the council believes that a violation has occurred; that it is being corrected quickly and effectively by the violator; that the violation caused no substantial danger to humans or the environment; and that a penalty assessment does not appear to be appropriate in light of the seriousness of the violation or as an incentive to secure future compliance.

(b) Whenever the council has probable cause to believe that any term or condition of a certificate agreement or permit has been violated, the council may serve a notice of incident and request for assurance of compliance upon the certificate holder. Within thirty days after service of the notice, the certificate holder shall provide the council with a report of the incident and assurance of compliance, including appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as it believes to be necessary.

(4) Notice of violation.

(a) A notice of violation is appropriate when the council believes: That a violation has occurred; that a violation is not being timely or effectively corrected; that a violation may cause a substantial risk of harm to humans or the environment; or that a penalty may be appropriate as an incentive to future compliance.

(b) Whenever the council has probable cause to believe that a violation of any term or condition of a certificate agreement or permit has occurred, the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty pursuant to RCW 80.50.150(5). The notice shall specify the provisions of law or rule or the certificate agreement or permit which are alleged to have been violated and shall include a requirement that corrective action be taken.

(c) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council and it may seek remission or mitigation of any penalty.

(i) A request for mitigation or remission of a penalty must be filed within fifteen days after service of the notice of violation. A decision upon a request for remission or mitigation of a penalty is an administrative decision which the council may make in its discretion.

(ii) An appeal of a notice of violation must be filed within thirty days after service of the notice of violation. The appeal is an application for an adjudicative proceeding under RCW 34.05.410. It must be in writing, timely filed in the offices of the council, and state the basis of the contention and exactly what change or remedy is sought from the council. Unless the application is denied or settled, the council shall conduct an adjudicative proceeding upon the challenge pursuant to chapter 34.05 RCW.

(iii) Any penalty imposed in a notice of violation shall be due and payable thirty days after the following: Service of the notice of violation, if no review is sought; service of the council's decision upon remission or mitigation, if no appeal is made; or service of the council's final order on review of an appeal of a notice of violation. If the penalty is not paid when due, the council shall request the attorney general to commence an action in the name of the state to recover the penalty pursuant to RCW 80.50.150.

(5) Air pollution episodes. The council may enter such orders as authorized by chapter 80.50 RCW regarding air pollution episodes, as set forth in WAC 463-39-130.

(6) Judicial enforcement.

(a) Judicial enforcement is available through chapter 80.50 RCW. It is appropriate when the council believes that judicial action may be of substantial assistance in securing present or future compliance or resolution of the underlying problem.

(i) The council may request the attorney general or the prosecuting attorney of any county affected by a violation to commence civil proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(ii) The council may request the prosecuting attorney of any county affected by a violation to commence criminal proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(b) The council may also secure judicial enforcement of its rules or orders pursuant to RCW 34.05.578.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-030 FEES FOR REGULAR APPLICATION PROCESSING. Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary,



(2) A court reporter(s) for the recording and preparation of transcripts of ~~((the contested case))~~ an adjudicative proceeding hearing, council meetings or public sessions which the council shall consider necessary,

(3) Additional staff salaries ~~((consisting of at least one application processing officer placed))~~ for those persons employed on the council staff for the duration of the application processing period ~~((=provided that the council may in the interest of efficiency and effectiveness assign one application processing officer to more than one application))~~, and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses arise directly from application processing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-39-130 REGULATORY ACTIONS.

**WSR 91-03-091**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
[Filed January 18, 1991, 11:35 a.m.]

Date of Adoption: January 18, 1991.

Purpose: To provide guidelines and outline the requirements necessary for individuals to obtain special license plates for their motor vehicles.

Statutory Authority for Adoption: RCW 46.01.110.

Pursuant to notice filed as WSR 90-22-112 on November 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-96A-520(2), last sentence in subsection "No license plate emblem shall be displayed to the left of the United States flag" was deleted because of the confusion and misinterpretation it could create. Deletion of sentence does not change the subject matter of rule; and WAC 308-96A-550 (1)(b) the word "substantial" was deleted as requested at the public hearing. This change allows individuals who make a contribution to an institution of higher education to receive an emblem and restricted it to individuals making a "substantial" contribution.

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

January 14, 1991

Mary Faulk  
Director

#### NEW SECTION

WAC 308-96A-505 VETERAN LICENSE PLATE EMBLEMS - AVAILABLE. Veteran remembrance vehicle license plate emblems shall be provided in a design representative of:

(a) The words U.S. VETERAN, referred to as VETERAN emblem.

(b) The United States flag waving on a staff without wording, referred to as the FLAG emblem, and

(c) The campaign ribbon for each of the seven medals authorized in RCW 46.16.319 referred to as CAMPAIGN emblems.

#### NEW SECTION

WAC 308-96A-510 VETERAN LICENSE PLATE EMBLEMS - FEES. Veteran remembrance emblems are marketed in a package. Each package contains one VETERAN, one FLAG, and one CAMPAIGN emblem. In lieu of the FLAG, the veteran may upon request be issued a CAMPAIGN emblem. In lieu of the CAMPAIGN, the veteran may upon request be issued a FLAG emblem. A total fee of ten dollars (\$10.00) is collected for each package. The fee includes two dollars (\$2.00) paid to the County Treasurer as provided in RCW 46.01.140 and is considered a part of the department costs associated with the program.

#### NEW SECTION

WAC 308-96A-520 LICENSE PLATE EMBLEMS - HOW AFFIXED. (1) Veteran remembrance emblems shall be affixed to vehicle license plates only at the bottom of the plate beneath the identification numbers/letters. Emblems displayed on the front license plate do not need to match the emblems displayed on the rear license plate of any vehicle.

(a) The VETERAN emblem shall be displayed between the license plate bolt holes.

(b) The FLAG emblem shall be displayed to the left of the left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate.

(c) The CAMPAIGN emblem shall be displayed to the right of the right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate.

(2) Any other vehicle license plate emblems other than Veteran remembrance emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.

#### NEW SECTION

WAC 308-96A-530 LICENSE PLATE EMBLEMS - TRAFFIC VIOLATION. Displaying a license plate emblem on a vehicle license plate in such a manner so as to obscure the license plate identification numbers/letters, the month or year tab, the WASHINGTON inscription or in any location in violation of WAC 308-96A-520 or chapter 46.16 RCW shall be issued a notice of traffic infraction under chapter 46.63 RCW.

#### NEW SECTION

WAC 308-96A-540 LICENSE PLATE EMBLEMS - FOLLOW VEHICLE ON TRANSFER. In any case of a valid sale or transfer of the ownership of any vehicle, the license plate emblem may pass to the



purchaser or transferee. The transferor may remove the license plate emblem prior to sale or transfer of ownership of the vehicle. It is not necessary to notify the department when a license plate emblem is removed from a license plate.

#### NEW SECTION

**WAC 308-96A-550 VEHICLE LICENSE PLATE EMBLEMS - HIGHER EDUCATION INSTITUTIONS.** (1) The department shall approve a petition for special vehicle license plate emblems from an institution of higher education as defined in RCW 28B.10.016 after determining the following criteria is satisfied:

(a) It is reasonable to expect that a minimum of five thousand emblems in the approved configuration will be ordered by the institution within the first two years.

(b) The institution will offer emblems for purchase to any vehicle owners who are attending, have attended, or have made a contribution to the institution.

(c) The general public will receive benefit from display of the emblems.

(d) The emblem lettering and color scheme is compatible with the basic license plate design.

(e) The emblem has state-wide appeal and is not limited to a particular geographic area.

(f) The institution will be the sole source for procuring the emblems from the department. Accountability of the emblems and all fees derived from the sale thereof, after delivery by the department is the responsibility of the institution.

(g) When ownership in a vehicle displaying a vehicle license plate emblem is transferred, the emblem is also transferred. The new owner may remove or display the emblem at the owner's option.

(2) The institution shall provide a design including color and dimension specifications of the requested emblem with their application. The department shall approve or disapprove the design based on compatibility with the basic license plate's design. An emblem shall not be approved that may carry connotations offensive to good taste or decency or which may be misleading.

(3) The department shall collect a fee from the institution in an amount sufficient to offset the department's costs associated with the institution's emblem.

(4) The original order of vehicle license plate emblems for each approved design shall be not less than three thousand emblems. Reorder of each approved design shall be not less than one thousand emblems.

**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 308-96A-560 SPECIAL VEHICLE LICENSE PLATES - CRITERIA.** The department may approve applications for special vehicle license plates under RCW 46.16.301 after determining that all of the following criteria is satisfied:

(a) It is reasonable to expect a minimum of one thousand special license plates in the approved configuration

will be purchased by vehicle owners satisfying the qualifications set forth in the approved application.

(b) The applicant organization is a local chapter or equivalent of a nationally recognized organization.

(c) The special license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate designating the applicant organization.

(d) Qualifications for the special license plate do not discriminate between age, sex, religion, or national origin. Qualifications may include being a member of the applicant organization provided the organization's membership qualifications are not discriminatory.

(e) The special license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers or letters or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. The plate may not advertise a product or service. A license plate shall not be approved that may carry connotations offensive to good taste or decency or which may be misleading.

(f) The applicant organization is recognized as a non-profit entity by Washington Law and the Internal Revenue Service.

(g) The special license plate has state-wide appeal and is not limited to a particular geographic area.

(h) The applicant organization will not use the special license plate to raise funds or as a qualification to gaining or retaining membership in an organization.

(i) The applicant organization is formed to recognize extra ordinary contribution, sacrifice, or merit displayed by individual members in the protection of the health and safety of the citizens of the United States and the State of Washington. Organizations comprised of regular law enforcement, fire fighter/suppression, medical, religious order or similar members are deemed to not satisfy this qualification.

#### **WSR 91-03-092**

#### **PERMANENT RULES**

#### **DEPARTMENT OF LICENSING**

[Filed January 18, 1991, 11:36 a.m.]

Date of Adoption: January 9, 1991.

Purpose: To define guaranteed title as used in RCW 46.12.140, SSB 6663, section 29.

Statutory Authority for Adoption: RCW 46.70.160.

Pursuant to notice filed as WSR 90-23-096 on November 21, 1990.

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

January 9, 1991

Mary Faulk

Director

#### NEW SECTION

**WAC 308-66-156 GUARANTEED TITLE.** "Guaranteed title" as it relates to a consigned vehicle shall mean a guarantee by the consignor to convey title

to the consignee upon sale of the vehicle. The consignment agreement between the consignor and consignee shall comply with the provisions of WAC 308-66-155.

**WSR 91-03-093**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed January 18 1991, 2:34 p.m.]

**Original Notice.**

Title of Rule: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Purpose: To increase the level of mandatory soluble solids in Red Delicious, Delicious and Golden Delicious varieties and to establish a minimum level of soluble solids in Granny Smith variety. To establish the period that the requirements are in effect by calendar date, (prior to October 1) rather than by a flexible date set annually by action of the Delicious Maturity Committee.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: The rule will increase existing mandatory minimum soluble solids on Red Delicious, Delicious and Golden Delicious by .5%. It will also establish a new requirement for minimum soluble solids on Granny Smith variety. The proposal also sets October 1 as the ending date for the required minimum soluble solids rather than by a flexible date determined each year by action of the Delicious Maturity Committee of the Washington State Horticulture Association.

Reasons Supporting Proposal: The proposed rule will improve dessert quality of these varieties of apples during the early season marketing period. Such improvement will result in greater consumer satisfaction which in turn will generate repeat sales, increase demand, and enhance overall marketing conditions for the producer and apple industry. Establishment of a fixed calendar date will assist growers in planning harvest and marketing strategies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 753-5054.

Name of Proponent: Dana Wise, Apple Producer, Wapato, Washington, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule regulates the listed varieties of apples for fresh market only, from the beginning of harvest until the general release date for harvest. The intent is to provide a better product, one of dessert quality, to the consumer during the early apple marketing season. It is anticipated that improved consumer satisfaction will result, which will then increase demand for Washington apples. This will generally enhance marketing conditions for the producer and apply industry. Conversely, poorer quality apples allowed on the fresh market, especially at the beginning of the marketing season, tend to create

consumer dissatisfaction and reduced demand, potentially resulting in lost marketing opportunities. The change in establishing general release date for harvest, as a fixed date of October 1, is for the purpose of assisting producers in their planning for harvest and marketing strategies. The general release date for harvest does not preclude growers from harvesting prior to that date. It simply requires that the regulated varieties must meet established soluble solids minimums prior to shipment for fresh market, during the early season. It is anticipated that the date of October 1 will result in extending the effective time period of this rule by one to two weeks over previous seasons in which the general release date was determined by the Delicious Maturity Committee.

Proposal Changes the Following Existing Rules: Minimum required soluble solids are increased on Red Delicious and Delicious from 10% to 10 1/2%; on Golden Delicious from 10 1/2% to 11%. The Granny Smith variety will be required to have 10 1/2% soluble solids; previously there were no requirements. The general release date for harvest is changed from a flexible date, established each production year by the Delicious Maturity Committee of the Washington State Horticultural Association, to a fixed calendar date of October 1.

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

Hearing Locations: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on February 27, 1991, at 10 a.m.; and at the Red Lion Inn, 1507 North First Street, Yakima, WA 98901, on February 28, 1991, 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 February 28, 1991.

Date of Intended Adoption: March 21, 1991.

January 18, 1991

J. Allen Stine  
Assistant Director

**AMENDATORY SECTION** (Amending Order 1892, filed 6/25/86)

WAC 16-403-141 RED DELICIOUS, DELICIOUS, GOLDEN DELICIOUS—MINIMUM SOLUBLE SOLIDS. Prior to the October 1 general release date for harvest of the crop of the current growing season, ((as established by the Delicious maturity committee of the Washington state horticultural association;)) shipment shall not be allowed of apples of the Granny Smith, Red Delicious and Delicious varieties having less than ten and one-half percent soluble solids and apples of the Golden Delicious variety having less than ((ten and one-half)) eleven percent soluble solids as determined by refractometer.

**WSR 91-03-094**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed January 18, 1991, 2:54 p.m.]

Continuance of WSR 91-01-052 and 90-19-084.

Title of Rule: Chapter 173-204 WAC, Sediment management standards.

Purpose: To establish sediment quality standards and sediment dilution zone standards per requirements of chapter 90.70 RCW, Puget Sound Water Quality Act,

and the Puget Sound water quality management plan, and RCW 90.48.520 Water Pollution Control Act.

Statutory Authority for Adoption: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54, and 90.70 RCW.

Statute Being Implemented: Chapters 70.105D, 90.48, and 90.70 RCW.

Date of Intended Adoption: February 19, 1991.

January 18, 1991

Fred Olson

Deputy Director

**WSR 91-03-095**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

**(Podiatry Board)**

[Order 118B—Filed January 18, 1991, 3:21 p.m.]

Date of Adoption: January 11, 1991.

Purpose: To transfer rules from chapter 308-31 WAC to chapter 246-922 WAC.

Citation of Existing Rules Affected by this Order: See Recodification Section below.

Statutory Authority for Adoption: RCW 18.22.015.

Pursuant to notice filed as WSR 90-23-010 on November 13, 1990.

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

January 11, 1991

Kenneth L. Cox

Chairman

Podiatric Medical Board

**RECODIFICATION SECTION**

The following sections are being recodified as chapter 246-922 WAC:

**Chapter 246-922 WAC**

**Podiatric physicians and surgeons**

308-31-001	as	246-922-020
308-31-010	as	246-922-040
308-31-020	as	246-922-010
308-31-025	as	246-922-001
308-31-030	as	246-922-030
308-31-040	as	246-922-050
308-31-050	as	246-922-060
308-31-057	as	246-922-070
308-31-060	as	246-922-080
308-31-100	as	246-922-090
308-31-110	as	246-922-100
308-31-120	as	246-922-110
308-31-210	as	246-922-120
308-31-220	as	246-922-130
308-31-230	as	246-922-140
308-31-240	as	246-922-150
308-31-250	as	246-922-160
308-31-260	as	246-922-170
308-31-270	as	246-922-180
308-31-280	as	246-922-190
308-31-500	as	246-922-200

308-31-510	as	246-922-210
308-31-520	as	246-922-220
308-31-530	as	246-922-230
308-31-540	as	246-922-240
308-31-550	as	246-922-250
308-31-560	as	246-922-260
308-31-570	as	246-922-270

**WSR 91-03-096**

**PROPOSED RULES**

**UTILITIES AND TRANSPORTATION**

**COMMISSION**

[Filed January 18, 1991, 3:26 p.m.]

Original Notice.

Title of Rule: WAC 480-80-390 relating to mandatory cost changes for telecommunications companies. The proposed amendatory section is shown below as Appendix A, Docket No. UT-901033. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory section on economic values pursuant to chapter 43.21H RCW.

Purpose: This amendment will increase the return on equity from 12.25% to 13.25% and the overall rate of return from 10.5% to 11.13%.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Title 80 RCW.

Summary: This amendment is the result of the commission reviewing the rates and taking action to reflect the current capital market conditions.

Reasons Supporting Proposal: See Summary above.

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 Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

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 March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 16, 1991

Paul Curl  
Secretary

APPENDIX "A"

**AMENDATORY SECTION** (Amending Order R-307, Docket No. U-89-2876-R, filed 9/15/89, effective 10/16/89)

WAC 480-80-390 MANDATORY COST CHANGES FOR TELECOMMUNICATIONS COMPANIES. (1) This section establishes streamlined procedures to be applied to rate filings by local exchange telecommunication companies which seek to reflect in rate increases jurisdictional separations changes and mandatory accounting and tax changes imposed by a governmental authority which are accepted for intrastate ratemaking purposes by the commission.

(2) In order to qualify for jurisdictional separations or mandatory accounting and tax change treatment, a filing seeking to increase rates shall meet the following requirements at a minimum:

(a) It shall be accompanied by a recital that the company has or will within forty-five days of the filing complete distribution in the manner specified in WAC 480-80-125 of a notice to customers containing information as to the rate increase consistent with that required in that portion of the rule denominated "summary of requested rate increases," and further containing the name and mailing address of the commission and public counsel, and advising the customers that they may contact the same with respect to the proposed rate change. Proof of compliance with the foregoing shall be on file with the commission at least thirty days before any rates sought under this procedure shall be made effective.

(b) The filing shall be accompanied by supporting documentation demonstrating the calculation of the proposed increase and the authority for the change.

(c)(i) A company seeking this treatment for a proposed increase shall submit a rate of return statement, on a commission basis, which demonstrates that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase shall be reduced accordingly. All supporting documentation used to develop the rate of return statement shall be provided with the filing. For the purposes of this rule, "reasonable level of earnings" is the company's authorized overall rate of return or the rate of return developed pursuant to (e) of this subsection, whichever is more current. Companies with revenues exceeding five hundred million dollars annually may use their authorized rate of return if established within the prior two years. If no return has been established within two years, such companies may not be accorded the procedures designated by this rule, unless in the judgment of the commission, such authorized return is not unreasonable for purposes of a filing under this rule. If a company cannot depict Washington intrastate results of operations with reasonable accuracy, the total Washington realized return may be used for this test.

(ii) The rate of return statement shall not be a fully pro forma results of operations statement, but must depict the results of operations on a commission basis. For purposes of this rule, "commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis and also includes an appropriate pro forma debt adjustment. These restating adjustments should be made to account for jurisdictional differences where they depart from FCC Part 32. Accounting rules set forth in WAC 480-120-031 may be used as a guide to satisfy most adjustments required to restate per books results of operations. Nonoperating, nonrecurring, or extraordinary items, and unregulated operating items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. For purposes of this rule, "commission basis" does not include new theories or approaches which have not been previously addressed to and resolved by the commission.

(d) The supporting documentation specified in (b) and (c) of this subsection shall be submitted at the time of the tariff filing or the first notice to customers, whichever occurs first.

(e) The qualifying overall rate of return will be either not greater than ~~((+0-5))~~ 11.13 percent or based upon a ~~((+2-25))~~ 13.25 percent return on equity. The ~~((+0-5))~~ 11.13 percent overall rate of return will be adjusted according to the following table:

90% DEBT COMPANIES USE 40.00% OF TARGET RATE OF RETURN  
80% DEBT COMPANIES USE 48.00% OF TARGET RATE OF RETURN  
70% DEBT COMPANIES USE 57.60% OF TARGET RATE OF RETURN  
60% DEBT COMPANIES USE 69.12% OF TARGET RATE OF RETURN

Using the ~~((+2-25))~~ 13.25 percent return on equity, the overall fair rate of return will be determined on an individual company basis giving consideration to the company's cost of debt and preferred equity, each adjusted for any known and measurable effects, and utilizing an appropriate capital structure.

For the purposes of this rule only, "appropriate capital structure" shall be defined as a minimum of forty percent equity and a maximum of sixty percent equity. Capital structures outside these parameters will be adjusted to the minimum or maximum, whichever is closer.

The rates shall be reviewed during the third quarter of each calendar year, and such action taken as may be necessary and appropriate to reflect the current capital market conditions: PROVIDED, That nothing herein shall foreclose more frequent review and adjustment of the overall rate of return or return on equity as circumstances may indicate. Nothing in this rule shall foreclose a utility from seeking a different return on equity, nor shall the returns or the methodologies stated in this section be considered as precedent for any other commission proceedings.

(3) Except for costs identified with a particular customer class, any revenue requirement change sought to be reflected by this treatment shall be spread on a uniform revenue percentage basis by customer class, defined as residential, business, and interexchange, whether or not classified as competitive.

Costs identified with interexchange services shall be spread to access charges using approved commission methodology. Costs identified with any other specific class or service shall be spread to that class or service on a uniform percentage basis. In exceptional circumstances, a company may propose an alternative rate design or rate spread.

(4) If the commission has reason to believe that the quality of the company's service is not consistent with its public service obligations, or if the commission has reason to believe that the company's results of operations, proposed rate design or proposed rate spread, or proposed alternative rate design or rate spread require a more extensive review, the commission may decline to apply the procedures contemplated by this rule.

(5) If jurisdictional separations or mandatory accounting and tax change treatment is found to be appropriate, the commission will ordinarily take final action within ninety days of the date of filing.

(6) Nothing in this section shall be construed to prevent any company, the commission, or any customer from utilizing any other procedure which are otherwise permitted by law.

WSR 91-03-097

PROPOSED RULES

UTILITIES AND TRANSPORTATION  
COMMISSION

[Filed January 18, 1991, 3:28 p.m.]

Original Notice.

Title of Rule: WAC 480-09-520 relating to abbreviated proceedings for competitive classification of telecommunication companies. The proposed new section is shown below as Appendix A, Docket No. UT-901533. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values pursuant to chapter 43.21H RCW.

Purpose: To provide abbreviated proceedings, rather than full adjudicative proceedings, for competitive classification of telecommunications companies where there are no controversial issues or where substantially similar companies have previously been classified by the commission as competitive.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 80.36.145, 80.36.320, and 80.36.330

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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 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: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 16, 1991

Paul Curl  
Secretary

#### APPENDIX "A"

#### NEW SECTION

WAC 480-09-520 FORMAL INVESTIGATION AND FACT-FINDING. (1) Pursuant to RCW 80.36.145, the commission finds that it is in the public interest to employ an abbreviated proceeding for certain petitions for competitive classification under RCW 80.36.320 and RCW 80.36.330.

(2) The commission will institute an abbreviated proceeding on its own motion or at the request of petitioner filing for competitive classification under RCW 80.36.320 or RCW 80.36.330 where it is apparent on the face of the petition that no substantial issues of controversy are presented. The commission will invoke this rule by means of a Notice of Formal Investigation and Fact-finding. The Notice will call for written requests to intervene, and advise all interested persons that no hearing is contemplated other than possible hearings for public testimony.

(3) Upon the filing of a request to intervene, the commission will take objections, if any, and determine whether the proceeding qualifies for an abbreviated proceeding. A proceeding in which an intervenor proposes to participate through written submissions and data exchanges will be presumed to fall outside the scope of this rule. At any time, by written notice, the commission may convert an abbreviated proceeding into a formal adjudicative proceeding.

(4) The procedures set forth in WAC 480-09-480 will not apply in proceedings brought under this section. Informal exchange of data is the form of discovery that will apply to proceedings authorized by this rule. If such discovery is not sufficient to meet the needs of the parties, the proceeding will be converted to a formal adjudicative proceeding. The "Protective Order" process referenced in WAC 480-09-015 will not be available in an abbreviated proceeding. If a claim of "confidentiality" is made, the proceeding will be converted to a formal adjudicative proceeding.

(5) The formal record will be limited to written submissions by the parties. Confidential material will not be accepted. The commission will designate in the notice of investigation the number and method of rounds of written submissions necessary to develop the facts relevant to the proceeding. At a minimum, petitioners and respondents subject to classification will file one original and nineteen legible, double-sided copies of the completed petition form provided by the commission upon request, together with pre-filed testimony and exhibits supporting the petition. The party with the burden of proof will always have the opportunity to file a written reply. Upon conclusion of the investigation the commission will enter an order, containing findings of fact and conclusions of law, disposing of the petition.

#### WSR 91-03-098

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 18, 1991, 3:30 p.m.]

#### Original Notice.

Title of Rule: WAC 480-04-100 relating to copying and service costs. The proposed amendatory section shown below as Appendix A, Docket No. A-900424. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory section on economic values pursuant to chapter 43.21H RCW.

Purpose: The proposed amendment is designed to more accurately reflect the cost of supplying public records and information and the types of records which are available.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and Commission Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 16, 1991

Paul Curl  
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-157, Cause No. TV-1429, filed 3/4/81)

WAC 480-04-100 COPYING AND SERVICE COSTS. The commission shall provide copies of information and public records upon written request.

(1) The commission shall charge a published fee ((of twelve cents per)) for each single-sided page of copy, provided that no charge shall be made for ((less than ten copies)) a photocopy of a record consisting of five single-sided pages or fewer.

(2) Except as provided in WAC 480-09-125, the base charges for services shall be as follows:

(a) Photocopies shall cost twenty cents per page.

(b) Certified copies shall cost two dollars and fifty cents per certified sheet.

(c) Telefacsimile (FAX) transmissions shall cost fifty cents per page.

(d) Computer lists or printouts shall cost fifty cents per page.

(e) Computer data copied onto floppy disks shall cost five dollars per disk.

(f) Audio tapes shall cost four dollars each.

(g) Video tapes shall cost fifteen dollars each.

(3) Sales tax, at the current rate, shall be added to the base price of each item.

**WSR 91-03-099**

**PROPOSED RULES**

**UTILITIES AND TRANSPORTATION COMMISSION**

[Filed January 18, 1991, 3:32 p.m.]

**Original Notice.**

Title of Rule: WAC 480-140-020 and 480-140-040 relating to budget reporting for major capital projects. The proposed amendatory sections are shown below as Appendix A, Docket No. U-901099. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory sections on economic values, pursuant to chapter 43.21H RCW.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: These amendments reflect the current threshold in gross annual revenue of all regulated utilities, the escalation of construction costs, and the size of the projects related to the total construction budgets.

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: See Summary above.

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 March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 16, 1991

Paul Curl  
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-269, Cause No. U-86-121, filed 12/5/86)

WAC 480-140-020 WHO MUST FILE. All public service companies shall be required to file budgets with the Washington utilities and transportation commission: PROVIDED, HOWEVER, Gas, water, telecommunications, telegraph, and electrical companies whose annual gross operating revenues do not exceed ((twenty-five)) one hundred fifty thousand dollars, shall not be required to file budgets.

AMENDATORY SECTION (Amending Order R-269, Cause No. U-86-121, filed 12/5/86)

WAC 480-140-040 PREPARATION. Budgets shall be made in duplicate on forms furnished by the commission. The original and three copies shall be filed with the commission and one copy shall be kept by the company for its files. Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable." In no case shall any utility deviate from the requirements of these rules except upon a showing of good cause, and then only to the extent authorized by the commission in writing. For the purpose of the budget report an "individual major project," is defined ((as one exceeding fifty thousand dollars)) according to the following schedule:

<u>Company Construction Budget</u>	<u>Major Project</u>
\$25,000 or less	\$2,000 or more
\$25,001 to \$50,000	\$2,500 or more
\$50,001 to \$100,000	\$10,000 or more
\$100,001 to \$200,000	\$15,000 or more
\$500,001 to \$1,000,000	\$50,000 or more
\$1,000,001 to \$5,000,000	\$100,000 or more
\$5,000,001 or more	\$250,000 or more

All other individual projects shall be listed by name, location, and estimated cost. For companies with utility operations in more than one state, the major project threshold shall be applied to all projects proposed to be located in the state of Washington and to all projects which will be partly or wholly allocated to Washington operations.

**WSR 91-03-100**

**PROPOSED RULES**

**UTILITIES AND TRANSPORTATION COMMISSION**

[Filed January 18, 1991, 3:35 p.m.]

**Original Notice.**

Title of Rule: WAC 480-09-125 relating to failure to file sufficient copies of documents. The proposed new section is shown below as Appendix A, Docket No. A-900425. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values pursuant to chapter 43.21H RCW.

Purpose: See Summary below.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: This rule sets the standards for refusing a filing of documents or making the necessary copies when insufficient copies have been filed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and Commission Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 16, 1991  
Paul Curl  
Secretary

#### APPENDIX "A"

#### NEW SECTION

WAC 480-09-125 FAILURE TO FILE SUFFICIENT COPIES—COSTS OF COPYING. (1) When a person files fewer than the required number of copies of a document, the commission may reject the filing. If needed for administrative convenience, the commission will make the additional copies for distribution and processing within the commission. "Administrative convenience" means that not having access to the documents would prejudice the commission.

(2) When the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus current sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the fully allocated cost of materials.

(3) The commission may assess a penalty against any person who, within twelve months, again fails to file the required number of copies of any document.

#### WSR 91-03-101

#### PERMANENT RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-331-A, Docket No. T-900433—Filed January 18, 1990,  
3:37 p.m.]

In the matter of adopting WAC 480-12-500, 480-12-510, and 480-12-520 relating to transportation of recovered materials.

On December 13, 1990, the Washington Utilities and Transportation Commission (commission) entered Order R-331 under Commission Docket No. T-900433 adopting permanently rules to be codified as WAC 480-12-500 through 480-12-520. That order referenced and incorporated as Appendix A the text of the proposed rule as noticed in WSR 90-19-003. This order supplements and amends that order.

In the commission's meeting of October 24, 1990, the commission adopted several technical amendments to the rules as noticed. Through oversight those amendments were not included in the text of the rule attached to Order R-331.

Pursuant to the inherent authority of the commission to correct mistakes made through inadvertence, the commission hereby substitutes the text shown below to this supplemental order as Appendix A for the text submitted along with Order R-331, and

IT IS HEREBY ORDERED that WAC 480-12-500, 480-12-510, and 480-12-520 as set forth in Appendix A, be adopted as rules of the commission as a substitute for the version attached to Order R-331 to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That this Order and annexed rules, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 17th day of January, 1991.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

#### APPENDIX "A"

#### NEW SECTION

WAC 480-12-500 DEFINITIONS CONCERNING RECOVERED MATERIALS. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for purposes of these rules, be given the meanings attached thereto.

(1) "Recovered materials" means those commodities collected for recycling or reuse, such as papers, glass, plastics, used wood, metals, yard waste, used oil, and tires, that if not collected for recycling would otherwise

be destined for disposal or incineration. Recovered materials shall not include any wood waste or wood by-product generated from a logging, milling, or chipping activity.

(2) "Reprocessing facility" means a business registered with the department of revenue or displaying a Unified Business Identifier (UBI), or a non-profit corporation which has registered its corporate name, office, and agent with the secretary of state pursuant to RCW 24.03.047, 24.03.048, and 24.03.050, that accepts or purchases recovered materials and prepares those materials for resale.

(3) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(4) "Energy recovery facility" means a facility designed to burn mixed waste paper as fuel, except that such term does not include mass burn incinerators.

NEW SECTION

WAC 480-12-510 APPLICATION PROCEDURES FOR TRANSPORTATION OF RECOVERED MATERIALS. (1) Applications for authority shall be on forms prescribed by the WUTC.

(2) Such applications shall indicate that the authority is being sought pursuant to RCW 81.80.440.

(3) All other safety, insurance, and regulatory fee requirements for motor freight carriers under these rules shall apply.

NEW SECTION

WAC 480-12-520 REPORTING REQUIREMENTS FOR TRANSPORTATION OF RECOVERED MATERIALS. (1) Each company transporting recovered materials shall annually submit information to the commission on the types and quantities of recovered materials transported under this section and where they are delivered.

(2) Such reports shall be on forms prescribed by the commission.

(3) Reports on the transportation of recovered materials shall be due on the same date as the annual report of operations required by WAC 480-12-250.

(4) Information contained in the recovered materials reports on types, quantities, and destinations of recovered materials may be considered confidential by the commission. In order to have its recovered materials reports be considered confidential, the carrier must comply with the procedures of WAC 480-09-015.

(5) Such recovered materials reports may be provided to the department of ecology for purposes of waste stream monitoring required by RCW 70.95.280. The commission shall indicate when confidentiality of a recovered materials report has been requested, and request that confidentiality be extended by the department of ecology under RCW 43.21A.160 and under the guidelines promulgated pursuant to RCW 70.95.280.

(6) Such recovered materials reports may be provided to the department of trade and economic development for the purposes of performing the evaluation called for by chapter 123, Laws of 1990. If confidentiality has been requested for recovered materials reports, the commission shall provide the department of trade and economic development with summaries of information and data in order to protect the confidentiality of proprietary information of reporting companies.

**WSR 91-03-102**

**DEPARTMENT OF ECOLOGY**

[Filed January 18, 1991, 3:38 p.m.]

**NOTICE OF INTENTION TO CONSIDER DESIGNATION OF "WEST SNOHOMISH COUNTY GROUND WATER MANAGEMENT AREA" AND DEVELOP A GROUND WATER MANAGEMENT PROGRAM**

The Washington State Department of Ecology hereby gives notice of its intention to consider for designation a ground water management area and develop a ground water management program in accordance with chapter 173-100 WAC, Ground water management areas and programs.

The West Snohomish County area has been identified by the department as a probable ground water management area on its 1991 general schedule at the request of the county.

Designation of the area will allow the development of a comprehensive ground water management program to protect the quality and quantity of ground water, to meet future needs while recognizing existing water rights and to provide for effective and coordinated management of the ground water resource. The program will be developed by state and local government agencies in conjunction with a local ground water advisory committee.

The Department of Ecology will conduct a public hearing to consider designation of the area at the following time and place: 7:00 p.m. Thursday, February 7, 1991, Jackson Board Room, Council Chambers, 6th Floor, 3000 Rockefeller, Administration Building, Pacific and Oakes, Everett, Washington.

A designation decision on the above probable ground water management area will take place on February 15, 1991. Interested persons may request additional information or submit data, views or comments in writing before February 12, 1991, to: Doug Rushton, Water Resources Program, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

Hedia Adelsman  
Program Manager  
Water Resources Program



**WSR 91-03-103**  
**DEPARTMENT OF ECOLOGY**  
 [Filed January 18, 1991, 3:39 p.m.]

**NOTICE OF INTENTION TO CONSIDER DESIGNATION OF  
 "WALLA WALLA COUNTY GROUND WATER MANAGEMENT  
 AREA" AND DEVELOP A GROUND WATER MANAGEMENT  
 PROGRAM**

The Washington State Department of Ecology hereby gives notice of its intention to consider for designation a ground water management area and development a ground water management program in accordance with chapter 173-100 WAC, Ground water management areas and programs.

The Walla Walla County area has been identified by the department as a probable ground water management area on its 1991 general schedule at the request of the county.

Designation of the area will allow the development of a comprehensive ground water management program to protect the quality and quantity of ground water, to meet future needs while recognizing existing water rights and to provide for effective and coordinated management of the ground water resource. The program will be developed by state and local government agencies in conjunction with a local ground water advisory committee.

The Department of Ecology will conduct a public hearing to consider designation of the area at the following time and place: 7:30 p.m., Wednesday, February 6, 1991, Walla Walla Community College, Room 104, 500 Tausick Way, Walla Walla, WA.

A designation decision on the above probable ground water management area will take place on February 15, 1991. Interested persons may request additional information or submit data, views or comments in writing before February 12, 1991, to: Doug Rushton, Water Resources Program, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

Hedia Adelsman  
 Program Manager  
 Water Resources Program

**WSR 91-03-104**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—January 14, 1991]

The board of trustees of the Seattle Community College District will hold a work session, beginning at 3:00 p.m., on Thursday, February 7, 1991. The meeting will be held in the meeting room in the Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

**WSR 91-03-105**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed January 22, 1991, 9:56 a.m.]

Original Notice.

Title of Rule: Chapter 16-482 WAC, Rules relating to seed potato quarantine.

Purpose: The proposal revises rules providing for the requirement for certified seed to be used in the commercial production of potatoes.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The rule proposal revises the current quarantine that requires certified seed to be used in commercial production by limiting enforcement to counties where commercial production has been identified, replacing sampling requirements with recordkeeping, exempting plantings of less than one acre and providing a permit to process for exceptions.

Reasons Supporting Proposal: The introduction of virus [viral], bacterial, fungal and nematode disease could have serious economic consequences for the potato industry. The proposal provides a more cost effective enforcement program and removes obsolete and unenforceable procedures from the quarantine.

Name of Agency Personnel Responsible for Drafting: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, (206) 586-5306; Implementation and Enforcement: Max Long, 2015 South 1st Street, Yakima, WA, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The seed potato quarantine is designed to protect the commercial potato production industry of Washington state from the introduction and spread of bacterial, fungal, viral and nematode diseases. The proposal will update procedures and provide for a more cost effective enforcement program.

Proposal Changes the Following Existing Rules: The proposal limits the area regulated to counties where commercial production has been identified; replaces sampling requirements with record-keeping requirements; exempts plantings of less than one acre; and provides a permit process for exceptions.

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

Hearing Location: Big Bend Community College, 1400 Student Center Building, Fireside Room, 28th and Chanute Streets, Moses Lake, WA 98837, on February 26, 1991, at 1:00 p.m.

Submit Written Comments to: William E. Brookreson, Washington State Department of Agriculture, Plant Services Division, 406 General Administration Building, AX-41, Olympia, WA 98504-0641, by February 26, 1991.

Date of Intended Adoption: March 13, 1991.

January 22, 1991  
William E. Brookreson  
Assistant Director

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-001 PROMULGATION—ESTABLISHING QUARANTINE. ~~((+))~~ Whereas, the production of commercial potatoes in the state of Washington is one of the larger agricultural industries in the state, and

~~(2) Whereas, this will best serve to protect the health and welfare of the people in the state of Washington; and~~

~~(3) Whereas, the most important function to protect the commercial potato industry is securing seed potatoes that are free from injurious pests and disease and of good quality.~~

~~(4) Now, therefore, I, Donald W. Moos, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Moses Lake, Washington, on September 23, 1969, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish a quarantine to become effective November 10, 1969, setting forth the rules for the importation and planting of seed potatoes for commercial or seed potato production:))~~ The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

NEW SECTION

WAC 16-482-005 REGULATED ARTICLES. All potatoes used for commercial plantings in excess of one acre or for seed potato production.

NEW SECTION

WAC 16-482-006 QUARANTINE AREA. All states and territories of the United States and all counties within the state of Washington.

NEW SECTION

WAC 16-482-007 REGULATED AREA. There is established a regulated area within the state of Washington consisting of the entire counties of Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, King, Kittitas, Klickitat, Lincoln, Mason, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima.

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-010 REGULATIONS—CERTIFIED SEED REQUIREMENT. (1) ~~((All seed potatoes must have been produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.~~

~~(2) Shippers of seed potatoes into the state of Washington shall give notice prior to shipment to the State Department of Agriculture, P.O. Box 310, Moses Lake, Washington 98837, telephone 509-RO5-9121.~~

~~(3) Receivers of seed potatoes in the state of Washington are required to notify the state department of agriculture through the area inspection office.~~

~~(4) Quality and condition inspection required prior to shipment of seed potatoes into the state of Washington.~~

~~(5) Shippers contemplating bulk seed shipments into the state of Washington must file advance notice with the state which would include verification of seed potatoes being shipped in bulk as being part of a certified seed program in the state of origin and accepted and certified by that program, and further indicate how the bulk shipments will be identified and sealed for proper delivery.~~

~~(6) The department will retain a sample, at no cost to it, of each lot of certified seed produced or received in this state for seed or commercial production. Such samples will be retained for entry in Washington seed lot trials:))~~ Except as provided in WAC 16-482-015, all seed potatoes propagated for commercial or for seed production within the regulated area shall be from certified seed, produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.

~~(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.~~

NEW SECTION

WAC 16-482-015 REGULATIONS—CERTIFIED SEED—EXCEPTIONS. The certified seed requirement shall not be applicable to:

(1) Potatoes planted for personal use or other noncommercial purposes;

(2) Commercial production, other than for production of seed potatoes, of not more than one acre;

(3) Experimental or seed trial plots as provided in WAC 16-482-016.

NEW SECTION

WAC 16-482-016 EXCEPTIONS—PERMIT REQUIREMENT. The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting.

NEW SECTION

WAC 16-482-017 RECORDKEEPING REQUIREMENT. All commercial potato growers within the regulated area shall be responsible for obtaining certification documents or tags to verify that all seed potatoes used for propagation purposes comply with the terms of this chapter. Such documents shall be retained by the grower for a period of one calendar year and a copy provided to the department of agriculture, plant services division, upon written request to the grower. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-020 DISPOSITION OF MATERIAL SHIPPED IN VIOLATION OF THIS QUARANTINE. ~~((Regulated commodities not meeting the requirements of this quarantine shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents:))~~ (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided by laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-482-030 VIOLATION AND PENALTY.  
WAC 16-482-040 EFFECTIVE DATE.

**WSR 91-03-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Savings and Loan Associations)**  
 [Filed January 22, 1991, 1:22 p.m.]

Date of Intended Adoption: March 1, 1991.

January 22, 1991  
 Betty Reed  
 Supervisor

**Original Notice.**

Title of Rule: Schedule of examination fees, legal assistance fees and asset charges for credit unions.

Purpose: To revise the fees and charges levied by the Division of Savings and Loan for the examination and supervision of credit unions.

Statutory Authority for Adoption: RCW 31.12.535 and 31.12.545.

Statute Being Implemented: RCW 31.12.545.

Summary: The revision increase fees collected for the examination function and for necessary legal assistance and clarify the term "assets."

Reasons Supporting Proposal: To insure that the Division of Savings and Loan, which is funded solely by the fees and charges it collects from the institutions it regulates, is able to adequately fund its operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Reed, 217-C General Administration Building, 753-5597.

Name of Proponent: Division of Savings and Loan Associations, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets higher fees for the regular examination of credit unions mandated by statute as well as for special investigations/examinations, for supervisory review of examinations and for legal assistance when required by the supervisor. The purpose is to adjust fees, which have not been increased for five years, in order to comply with the provisions of RCW 31.12.545. The anticipated effect is to collect sufficient fees to cover the actual cost of examination and supervision.

Proposal Changes the Following Existing Rules: The rule increases hourly rates as follows: Analyst rate from \$24.75 to \$40.00 per hour; senior analyst rate from \$28.75 to \$45.00 per hour; review analyst rate from \$31.25 to \$50.00 per hour; supervisory review rate from \$35.00 to \$50.00 per hour; special examination rate from \$35.00 to \$50.00 per hour; and legal assistance rate from \$40.00 to \$60.00 per hour.

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

The effect of this rule will have a negligible economic impact on small business.

Hearing Location: Suite 100, 1400 South Evergreen Park Drive S.W., Olympia, WA, on March 1, 1991, at 10:30 a.m.

Submit Written Comments to: Betty Reed, 217-C General Administration Building, Olympia, WA 98504, by February 27, 1991.

**AMENDATORY SECTION** (Amending Order 85-2, filed 3/8/85)

**WAC 419-18-030 HOURLY CHARGE FOR EXAMINATIONS.** The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

(1) For division personnel classified as ~~((Examiner I, \$24.75))~~ Savings and Loan Analyst, \$40.00 per hour;

(2) For division personnel classified as ~~((Examiner II, \$28.75))~~ Savings and Loan Senior Analyst, \$45.00 per hour; and

(3) For division personnel classified as ~~((Examiner III \$31.25))~~ Review Analyst or above, \$50.00 per hour.

~~((4) For division personnel classified as Examiner IV or above, \$35.00 per hour.))~~ The supervisor may charge the actual cost of examinations performed under personal service contracts by third parties. The supervisor shall submit a statement for the forgoing charges following the completion of any applicable examination, and the charges shall be paid not later than thirty days after submission of such statement.

**AMENDATORY SECTION** (Amending Order 85-2, filed 3/8/85)

**WAC 419-18-040 SEMIANNUAL ASSET CHARGE.** The semiannual asset charge will be assessed at a rate of three cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates. Those credit unions the total assets of which are less than two hundred thousand dollars as of a particular assessment date shall not be required to pay an asset charge for the semiannual period immediately preceding such assessment date. Assets included in total assets include all assets held by a Washington chartered credit union whether held within this state or a branch in another state and assets of foreign credit unions held through branches within the state of Washington, provided that the supervisor shall have the authority to waive the assessment of asset fees held by Washington chartered credit unions in branches within other states based upon reciprocal agreements with the foreign state's regulatory authority.

**AMENDATORY SECTION** (Amending Order 83-4, filed 9/26/83)

**WAC 419-18-050 HOURLY CHARGE FOR ((EXTRAORDINARY)) LEGAL ASSISTANCE.** The hourly charge for consultation involving an assistant attorney general shall be assessed at the rate of ~~(((\$40.00))~~ \$60.00 per hour. ((Extraordinary)) Legal assistance shall include, but not be limited to, ~~((auditing))~~ supervisory committee meetings and board meetings requiring legal assistance, preparation and enforcement of removal actions, involuntary liquidations, declarations of insolvency, cease and desist orders, and other agreements or actions requiring legal advice; and to ((supervisory)) administrative hearings and preparation of memorandum opinions which relate to a specific credit union.

**AMENDATORY SECTION** (Amending Order 85-2, filed 3/8/85)

**WAC 419-18-060 SUPERVISORY REVIEW OF EXAMINATIONS.** Upon completion of each examination the ~~((examiner's))~~ analyst's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter shall be assessed at the rate of ~~(((\$35.00))~~ \$50.00 per hour.

**AMENDATORY SECTION** (Amending Order 85-2, filed 3/8/85)

**WAC 419-18-070 SPECIAL EXAMINATIONS.** Special examinations shall be assessed at the rate of ~~(((\$35.00))~~ \$50.00 per hour, per examiner. Special examinations shall include, but not be limited to electronic data processing examinations, special investigations, special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the supervisor deems necessary.

**WSR 91-03-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Savings and Loan Associations)**  
 [Filed January 22, 1991, 1:25 p.m.]

**Original Notice.**

**Title of Rule:** Schedule of examination fees, legal assistance fees and asset charges for savings and loan associations.

**Purpose:** To revise the fees and charges levied by the Division of Savings and Loan for the examination and supervision of savings and loan associations.

**Statutory Authority for Adoption:** RCW 33.28.020.

**Statute Being Implemented:** RCW 33.28.020.

**Summary:** The revisions increase fees collected for the examination function and for necessary legal assistance, increase the semi-annual charge on assets exceeding twenty-five million dollars and remove the lid on asset fees.

**Reasons Supporting Proposal:** To insure that the Division of Savings and Loan, which is funded solely by the fees and charges it collects from the institutions it regulates, is able to adequately fund its operations.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Betty Reed, 217-C General Administration Building, 753-5597.

**Name of Proponent:** Division of Savings and Loan Associations, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule sets higher fees for the regular examination of savings and loans mandated by statute as well as for special investigations/examinations, for supervisory review of examinations and for legal assistance when required by the supervisor. It also increases asset charges but eliminates the minimum asset charge provision. The purpose is to adjust fees, which have not been increased for five years, in order to comply with the provisions of RCW 33.28.020. The anticipated effect is to collect sufficient fees to cover the actual cost of examination and supervision.

**Proposal Changes the Following Existing Rules:** The rule increases hourly rates as follows: Analyst rate from \$27.50 to \$40.00 per hour; senior analyst rate from \$31.00 to \$45.00 per hour; review analyst from \$34.00 to \$50.00 per hour; supervisory review from \$35.00 to \$50.00 per hour; special examination from \$35.00 to \$50.00 per hour; and legal assistance from \$40.00 to \$60.00 per hour. It raises asset fees on amounts over \$25 million to three cents per thousand dollars of assets.

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

The effect of this rule will have a negligible economic impact on small business.

**Hearing Location:** Suite 100, 1400 South Evergreen Park Drive S.W., Olympia, WA, on March 1, 1991, at 9:00 a.m.

Submit Written Comments to: Betty Reed, 217-C General Administration Building, Olympia, WA 98504, by February 27, 1991.

Date of Intended Adoption: March 1, 1991.

January 22, 1991

Betty Reed  
Supervisor

**AMENDATORY SECTION** (Amending Order 85-3, filed 3/8/85)

**WAC 419-14-030 HOURLY CHARGE FOR EXAMINATIONS.** The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

(1) For division personnel classified as ~~((Examiner I, \$27.50))~~ Savings and Loan Analyst, \$40.00 per hour;

(2) For division personnel classified as ~~((Examiner II, \$31.00))~~ Savings and Loan Senior Analyst, \$45.00 per hour;

(3) For division personnel classified as ~~((Examiner III, \$34.00))~~ Review Analyst or above, \$50.00 per hour;

~~((4) For division personnel classified as Examiner IV, \$35.00 per hour.))~~ In addition to the hourly examination fee, foreign associations doing business in the state of Washington will defray the costs of travel and per diem paid to division personnel in examinations performed outside the state of Washington.

The supervisor may charge the actual cost of examinations performed under personal service contracts by third parties. The supervisor shall submit a statement for the foregoing charges following the completion of any applicable examination, and the charges shall be paid not later than thirty days after submission of such statement.

**AMENDATORY SECTION** (Amending Order 85-3, filed 3/8/85)

**WAC 419-14-040 SEMIANNUAL ASSET CHARGE.** The semiannual asset charge will be assessed at a rate of three cents per thousand dollars of assets. ~~((On the first twenty-five million dollars of assets, and two and three-fourths cents per thousand dollars on the next twenty-five million dollars of assets, and two and one-half cents per thousand dollars of assets on all remaining assets, except that a minimum charge of one thousand dollars will be charged to all associations and no association will be charged more than seven thousand five hundred dollars.))~~ Asset fees will be computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

**AMENDATORY SECTION** (Amending Order 83-5, filed 9/26/83)

**WAC 419-14-090 HOURLY CHARGE FOR LEGAL ASSISTANCE.** The hourly charge for consultation involving an assistant attorney general shall be assessed at a rate of ~~(((\$40.00))~~ \$60.00 per hour. ~~((Extraordinary))~~ Legal assistance shall include, but not be limited to, legal research and advice pertaining to granting new charters, acquisition of savings and loan associations, conversions, stock offerings, board meetings requiring legal assistance, preparation and enforcement of removal actions, involuntary liquidations, declarations of insolvency, cease and desist orders, and other agreements or actions requiring legal advice; and to ((supervisory)) administrative hearings and preparation of memorandum opinions which relate to a specific savings and loan association.

**AMENDATORY SECTION** (Amending Order 85-3, filed 3/8/85)

**WAC 419-14-100 SUPERVISORY REVIEW OF EXAMINATION.** Upon completion of each examination the ~~((examiner's))~~ analyst's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter shall be assessed at the rate of ~~(((\$35.00))~~ \$50.00 per hour.

**AMENDATORY SECTION** (Amending Order 85-3, filed 3/8/85)

**WAC 419-14-110 SPECIAL EXAMINATIONS.** Special examinations shall be assessed at the rate of ~~(((\$35.00))~~ \$50.00 per hour ~~((per examiner))~~. Special examinations shall include, but not be limited to electronic data processing examinations, special investigations,

special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the supervisor deems necessary.

**WSR 91-03-108**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 91-03—Filed January 22, 1991, 2:46 p.m.]

Date of Adoption: January 22, 1991.

Purpose: Amend commercial licensing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-017.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The fisheries code requires licensing of owners of vessels. This rule identifies owners through documentation or registration and prevents license fraud, improper transfer, and reduces departmental liability.

Effective Date of Rule: Immediately.

January 22, 1991

Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-20-01700A COMMERCIAL FISHING LICENSES—APPLICATION AND RENEWAL.** (1) *The license application deadline for all commercial fishing licenses is December 31 of the licensing year, except the application deadline for Columbia River smelt licenses is January 10 of the licensing year.*

(2) *Commercial license applications for vessel measuring 26 feet or greater in length must be accompanied by a copy of the United States Coast Guard Certificate of Documentation valid at the time of license application or renewal, or by a letter from the United States Coast Guard stating that the vessel is not required to be documented. Such letter, once submitted, shall be deemed proof of exemption from documentation requirements and need not be resubmitted annually.*

(3) *Commercial license applications for vessels exempt from documentation or less than 26 feet in length must be accompanied by a copy of the current state vessel registration, valid at the time of application or renewal.*

**WSR 91-03-109**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

**(Dental Disciplinary Board)**

[Order 127B—Filed January 22, 1991, 3:14 p.m.]

Date of Adoption: January 11, 1991.

Purpose: To establish professional standards which would prohibit discrimination in the treatment of dental patients.

Statutory Authority for Adoption: RCW 18.32.640.

Other Authority: RCW 18.130.050(12) and 18.130.040 (3)(b)(iii).

Pursuant to notice filed as WSR 90-24-075 on December 5, 1990.

Changes Other than Editing from Proposed to Adopted Version: The language of the rule was changed to clarify that the Dental Disciplinary Board will be disciplining dentists who supervise employees involved in discriminatory activities. Additionally, because state and federal laws may change in the future, the board decided that it would be better to refer, in general, to existing anti-discrimination laws.

Effective Date of Rule: Thirty days after filing.

January 11, 1991

Sheryl J. Willert  
Chairperson

**NEW SECTION**

**WAC 246-816-075 NON-DISCRIMINATION.** It shall be unprofessional conduct for any dentist to discriminate or to permit any employee or any person under the supervision and control of the dentist to discriminate against any person, in the practice of dentistry, on the basis of race, color, creed or national origin, or to violate any of the provisions of any state or federal anti-discrimination law.

**WSR 91-03-110**

**NOTICE OF PUBLIC MEETINGS**

**EDMONDS COMMUNITY COLLEGE**

[Memorandum—January 22, 1991]

Wednesday, January 23, 1991

Lynnwood Hall, Room 424

4:00 - 6:00

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 91-03-111**  
**RULES COORDINATOR**  
**PRODUCTIVITY BOARD**  
[Filed January 22, 1991, 4:23 p.m.]

The rules coordinator for the Productivity Board will be: Linda Mackintosh, Productivity Board, Mailstop AS-22, phone (206) 586-8407.

Linda Mackintosh  
Executive Director

**WSR 91-03-112**  
**PROPOSED RULES**  
**LOTTERY COMMISSION**  
[Filed January 22, 1991, 4:46 p.m.]

**Original Notice.**

Title of Rule: WAC 315-11-620, 315-11-621 and 315-11-622, Definitions, criteria and ticket validation requirements for Instant Game No. 62; WAC 315-11-630, 315-11-631 and 315-11-632, Definitions, criteria and ticket validation requirements for Instant Game No. 63; and WAC 315-11-611, Definitions for Instant Game No. 61.

Purpose: To establish the game play rules and criteria for determining winners of Instant Games No. 62 (Roulette) and 63 (Lucky 7's) and to amend WAC 315-11-611.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Contracts Specialist, Olympia, 586-6583; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-620, 315-11-621 and 315-11-622, for each game certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery from paying out prize money on invalid tickets; WAC 315-11-630, 315-11-631 and 315-11-632, for each game certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the Lottery from paying out prize money on invalid tickets; and WAC 315-11-611, this rule, criteria for Instant Game No. 61, establishes criteria for winning ticket in game 61 and explains how the game functions for retailers and players.

Proposal Changes the Following Existing Rules: WAC 315-11-611, amends this rule to clarify the requirements for multiple wins on a ticket.

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

The lottery has considered whether this rule is subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that it is not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 814 4th Avenue, Olympia, WA 98504, on March 1, 1991, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Lottery, P.O. Box 9770, Olympia, WA 98504, by February 28, 1991.

Date of Intended Adoption: March 1, 1991.

January 22, 1991  
Evelyn Y. Sun  
Director

NEW SECTION

WAC 315-11-620 DEFINITIONS FOR INSTANT GAME NUMBER 62 ("ROULETTE"). (1) Play symbols: The following are the "play symbols": "0", "1", "2", "3", "4", "5", "6", and "9". One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One play symbol shall be in the center of the playfield. The other four play symbols shall be placed on the inside perimeter of the playfield.

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with an verify that play symbol. The caption contains four characters. The first character repeats the play symbol. The last three characters repeat the ticket number. One and only one caption appears under each play symbol. An example of play symbol captions for Instant Game Number 62 follows:

<u>PLAY SYMBOL</u>	<u>CAPTION</u> (Example for ticket number 122)
0	0122
1	1122
2	2122
3	3122
4	4122
5	5122
6	6122
9	9122

(3) Prize symbols: The following are the "prize symbols": "\$1.00", "\$2.00", "\$5.00", "\$8.00", "\$20.00", "\$50.00", and "\$5,000". One of these prize symbols appears above each of the four play symbols placed on the inside perimeter of the playfield. There is no prize symbol above the center play symbol.

(4) Prize symbol captions: The small printed characters which follow the play symbol caption and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 62, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE
\$2.00	TWO
\$5.00	FIV
\$8.00	EGT
\$20.00	TWY
\$50.00	FTY
\$5,000	FTH

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

(6) Pack-ticket number: The eleven-digit number of the form 06200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 62 constitute the "pack number" which starts at 06200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 62, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00 (\$1)
TWO	\$2.00 (\$2; \$1 and \$1)
FIV	\$5.00 (\$5; \$2, \$2 and \$1)
EGT	\$8.00 (\$8; \$5, \$2 and \$1; \$2, \$2, \$2, and \$2)
THN	\$13.00 (\$8 and \$5; \$5, \$5, \$2, and \$1)
TTN	\$21.00 (\$20 and \$1)

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

**NEW SECTION**

WAC 315-11-621 CRITERIA FOR INSTANT GAME NUMBER 62. (1) The price of each instant game ticket shall be \$1.00.

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

(a) When a perimeter play symbol matches exactly the center play symbol, the matching perimeter play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize above the winning play symbol.

(b) The bearer of a ticket which has more than one winning play symbol shall win the total amount of the prizes above each winning play symbol.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 62 set forth in WAC 315-11-622, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

**NEW SECTION**

WAC 315-11-622 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 62. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 62 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in the center play spot and in each of the four perimeter play spots in the playfield on the front of the ticket.

(b) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(c) Each of the perimeter play symbols shall have a prize symbol above it. Each of the perimeter play symbols shall also have a prize symbol caption following its play symbol caption.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(f) Each of the play symbols must be exactly one of those described in WAC 315-11-620(1) and each of the play symbol captions must be exactly one of those described in WAC 315-11-620(2).

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

**NEW SECTION**

WAC 315-11-630 DEFINITIONS FOR INSTANT GAME NUMBER 63 ("LUCKY 7'S"). (1) Play symbols: The following are the "play symbols": "0", "2", "3", "4", "5", "6", "7" and "9". One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The nine play spots are arranged in a three by three configuration. The area under the latex covering shall be known as the playfield.

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption contains four characters. The first character repeats the play symbol. The last three characters repeat the ticket number. One and only one caption appears under each play symbol. An example of play symbol captions for Instant Game Number 63 follows:

<u>PLAY SYMBOL</u>	<u>CAPTION</u> (Example for ticket number 122)
0	0122
2	2122
3	3122
4	4122
5	5122
6	6122
7	7122
9	9122

(3) Prize symbols: The following are the "prize symbols": "\$1.00", "\$2.00", "\$4.00", "\$7.00", "\$17.00", "\$70.00", "\$700" and "\$7,000". One of these prize symbols appears under the prize box on the front of the ticket which has the word "PRIZE" printed on the latex covering. The prize box shall be contiguous to the playfield.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. For Instant Game Number 63, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$7.00	SVN DOL
\$17.00	SVNTEEN
\$70.00	SEVENTY
\$700	SVNHUND
\$7,000	SVNTHOU

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

(6) Pack-ticket number: The eleven-digit number of the form 06300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 63 constitute the "pack number" which starts at 06300001; the last three digits constitute the "ticket number"

which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 63, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
SVN	\$7.00
SVT	\$17.00

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

**NEW SECTION**

WAC 315-11-631 CRITERIA FOR INSTANT GAME NUMBER 63. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket having three "7" play symbols in any row, column or diagonal beneath the removable covering on the front of the ticket shall win the prize shown in the prize box.

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 63 set forth in WAC 315-11-632, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

**NEW SECTION**

WAC 315-11-632 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 63. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 63 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the nine play spots in the playfield.

(b) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(c) Exactly one prize symbol must appear under the rub-off material covering the prize box on the front of the ticket.

(d) The prize symbol must have a prize symbol caption below it and must agree with its caption.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-630(1) and each of the play symbol captions must be exactly one of those described in WAC 315-11-630(2).

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

**AMENDATORY SECTION** (Amending WSR 91-03-036, filed 1/9/91)

WAC 315-11-611 CRITERIA FOR INSTANT GAME NUMBER 61. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your score" column that is a larger number than the play symbol in the "their score" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in ((~~Game 1, Game 2 or Game 3~~)) more than one game (row) shall win ((~~the total amount of all game~~)) the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 61 set forth in WAC 315-11-612, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 61; and/or
- (b) Vary the number of tickets sold in Instant Game Number 61 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**WSR 91-03-113  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
[Filed January 23, 1991, 8:40 a.m.]**

Continuance of WSR 90-23-101.

Title of Rule: Prevailing wages for public works.

Purpose: To define terms and explain procedures used by the department in implementing chapter 39.12 RCW, requiring payment of prevailing wages on public works.

Statutory Authority for Adoption: RCW 43.22.270.

Statute Being Implemented: Chapters 39.12 and 39.04 RCW.

Summary: The proposed rules readopt and amend rules adopted in October 1988, regarding definitions and procedures for determining prevailing wages. The proposed rules also repeal and replace a section originally adopted in 1988 explaining prevailing wage coverage for workers producing or delivering certain materials.

Reasons Supporting Proposal: Further clarification of the rules adopted in 1988 is necessary. In addition, the repeal and replacement of the rule regarding material handlers, and the readoption in part of other sections, corrects a failure to notify all interested parties in the adoption of the existing rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way S.E., (206) 753-3487.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See original notice.

Proposal Changes the Following Existing Rules: See original notice.



Small Business Economic Impact Statement: See original notice.

Hearing Location: An additional hearing has been added: Seattle Center/Northwest Rooms, Shaw Room, Seattle, on February 26, 1991, at 9:00 a.m.

Submit Written Comments to: Mark M. McDermott, HC-710, 406 Legion Way S.E., Olympia, WA 98504, by February 28, 1991.

Date of Intended Adoption: May 6, 1991.

January 23, 1991  
Joseph A. Dear  
Director

**WSR 91-03-114**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed January 23, 1991, 8:43 a.m.]

Original Notice.

Title of Rule: WAC 296-20-1103 Travel expenses.

Purpose: To clarify procedures for the reimbursement of injured workers travel expenses.

Statutory Authority for Adoption: RCW 51.04.020.

Summary: WAC 296-20-1103 is intended to: Clarify under what conditions injured workers can be reimbursed for travel expenses; clarify the travel expense reimbursement rate; eliminate the out of state exclusion for reimbursement; clarify when receipts are required; and clarify when claims for reimbursement must be received.

Name of Agency Personnel Responsible for Drafting: Bobby McBride, Olympia, HC-311CV, 586-8540; Implementation and Enforcement: Robert L. McCallister, Olympia, HC-281, 753-4173.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The change as proposed will clarify under what conditions injured workers will be reimbursed for travel expenses which will occur on or after July 1, 1991.

Proposal Changes the Following Existing Rules: See Summary above.

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

The department has considered whether this rule amendment is subject to the Regulatory Fairness Act and has determined that it is not according to RCW 19.85.030 and 19.85.060 because the rule will not have an economic impact on more than 20% of all industries or more than 10% of any one industry. The department has determined that the repeal of WAC 296-20-1103(3) will affect only injured workers, and not the business community. This change will have some impact on those businesses bearing the burden of the claim, as the costs will be borne by the employer. However, the expected cost is so minimal as to be insignificant or negligible.

Hearing Location: Auditorium, General Administration Building, Olympia, Washington 98504, on March 1, 1991, at 10:00 a.m.

Submit Written Comments to: Department of Labor and Industries, HC-311CV, Olympia, Washington 98504, by March 1, 1991.

Date of Intended Adoption: April 1, 1991.

January 23, 1991  
Joseph A. Dear  
Director

**AMENDATORY SECTION** (Amending Order 83-23, filed 8/2/83)

WAC 296-20-1103 TRAVEL EXPENSE. ~~With prior authorization, the department or self-insurer will reimburse travel expense incurred by injured worker's for the following reasons: (1) ((Special exam)) Examinations at department's or self-insurer's request; (2) vocational ((evaluation)) services at department's or self-insurer's request; (3) treatment at department rehabilitation center; (4) fitting of prosthetic device; and (5) ((upon prior authorization for)) treatment when injured worker must travel more than ten miles one-way from his home to the nearest point of adequate treatment. Travel expense is not payable when adequate treatment is available within ten miles of injured worker's home, yet the injured worker prefers to report to an attending doctor outside his home area.~~

Travel expenses will be reimbursed at the current department ((established)) rate.

~~((No travel expense for treatment services will be paid to those injured worker's residing outside the state of Washington. Persons residing in states which border Washington state AND within fifty miles of the Washington border will be considered Washington residents for travel expense purposes. Persons traveling from Washington to another state for diagnostic or treatment services that are not available in Washington will be reimbursed travel expense when approved in advance.~~

~~When travel involves need for food and lodging these items will be reimbursed at the currently established rates.~~

~~Parking, vehicle storage, ferry and bridge tolls will be reimbursed if) Receipts ((is provided. No receipt will be required for)) are required for all expenses except parking expenses under ((two)) ten dollars.~~

~~((Request)) Claims for reimbursement of travel expenses must be received by the department or self-insurer within ninety days ((of)) after the date expenses ((was)) are incurred.~~

**WSR 91-03-115**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 2071—Filed January 23, 1991, 8:56 a.m.]

Date of Adoption: January 23, 1991.

Purpose: The amendment adds Kitsap and Pierce counties to the list of counties under interior quarantine for apple maggot in Washington state.

Citation of Existing Rules Affected by this Order: Amending chapter 16-470 WAC, Rules relating to apple maggot and plum curculio quarantine.

Statutory Authority for Adoption: Chapter 17.24 RCW, Insect pests and plant diseases.

Pursuant to notice filed as WSR 91-01-045 on December 12, 1990.

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

January 23, 1991  
Michael V. Schwisow  
for C. Alan Pettibone  
Director

**AMENDATORY SECTION** (Amending Order 2064, filed 11/30/90)

**WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER.** (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Spokane, Skamania, Thurston and Wahkiakum, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(c) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

**WSR 91-03-116  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
(Optometry Board)**

[Filed January 23, 1991, 11:06 a.m.]

Continuance of WSR 90-24-035.

Hearing Location: Aladdin Motor Inn, Lakeside 2 Room, 800 Capitol Way, Olympia, WA, on February 15, 1991, at 10:15 a.m.

Date of Intended Adoption: February 15, 1991.

January 23, 1991  
Dorothy Gosney  
Program Manager

**WSR 91-03-117  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
(Board of Osteopathic Medicine and Surgery)**

[Filed January 23, 1991, 11:10 a.m.]

Original Notice.

Title of Rule: New sections WAC 246-853-250 Osteopathic medicine and surgery examination, 246-853-260 Flex examination application deadline, 246-853-270 Renewal expiration date, 246-853-280 Reciprocity examinations, 246-853-290 Intent, 246-853-300 Definitions used relative to substance abuse monitoring, 246-853-310 Approval of substance abuse monitoring programs, 246-853-320 Participation in approved substance abuse monitoring program, 246-853-330 Confidentiality, 246-853-340 Examination appeal procedures and 246-853-350 Examination conduct; and repealing WAC 308-138-055 Osteopathic medicine and surgery examination. NOTE: WAC 308-138-055 will be recodified as WAC 246-853-020 effective January 31, 1991.

Purpose: To add rules relative to acceptance and administration of examinations, specify the date renewals are due, establish criteria for approval and participation in substance abuse monitoring programs, and establish examination appeal procedures and conduct.

Statutory Authority for Adoption: RCW 18.57.005 and 18.130.175.

Statute Being Implemented: Chapters 18.57 and 18.130 RCW.

Summary: The new rules clarify examination requirements and administrative procedures and permit the board to approve a substance abuse monitoring program.

Reasons Supporting Proposal: Provides clarification regarding examinations and a mechanism for osteopathic practitioners to participate in substance abuse monitoring programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, 1300 Quince Street, Olympia, WA 98504, 586-8438.

Name of Proponent: Board of Osteopathic Medicine and Surgery, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To repeal and add rules relative to acceptance and

administration of examinations, specify the date renewals are due, establish criteria for approval of and participation in substance abuse monitoring programs, and establish examination appeal procedures and conduct. The changes would provide clarification regarding examinations and provide a mechanism for osteopathic practitioners to participate in substance abuse monitoring programs.

Proposal does not change existing rules.

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

Hearing Location: Holiday Inn, 17338 Pacific Highway South, Seattle, WA 99188, on March 15, 1991, at 9:00 a.m.

Submit Written Comments to: Arlene Robertson, 1300 Quince Street, Mailstop EY-23, Olympia, WA 98504, by March 14, 1991.

Date of Intended Adoption: March 15, 1991.

October 19, 1990

Arlene Robertson  
Program Manager

#### NEW SECTION

WAC 246-853-250 **OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION.** Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination, and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

The board shall waive the examination required under RCW 18.57.080 if the applicant has passed the FLEX examination prior to June, 1985 with a FLEX weighted average of seventy-five percent, or the FLEX I and FLEX II examinations with a minimum score of seventy-five on each component and satisfactorily passes the board administered examination on the principles and practices of osteopathic medicine and surgery.

An applicant who has passed all parts of the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination.

#### NEW SECTION

WAC 246-853-260 **FLEX EXAMINATION APPLICATION DEADLINE.** All applications for osteopathic physician and surgeon license by FLEX examination in the state of Washington shall be received in the office of the professional licensing services division, department of health, no later than August 1 for the following December examination and February 1 for the following June examination.

An applicant with extenuating circumstances for being unable to meet the deadline may petition the board for waiver of the deadline date.

#### NEW SECTION

WAC 246-853-270 **RENEWAL EXPIRATION DATE.** An osteopathic physician and surgeon and osteopathic physician assistant will be considered to have made timely renewal application if the appropriate renewal fee and required accompanying documentation is received on or before the expiration date.

#### NEW SECTION

WAC 246-853-280 **RECIPROCITY EXAMINATIONS.** The board shall approve the issuance of a license to practice osteopathic medicine and surgery in this state to any person meeting the requirements of RCW 18.57.130, provided, in addition, the applicant satisfies one of the following examination requirements:

(1) Demonstrates, to the satisfaction of the board, that the examination he or she passed in connection with his or her out-of-state license tested principles and practices of osteopathic medicine and surgery; or

(2) Satisfactorily passes the board administered examination in the principles and practices of osteopathic medicine and surgery.

#### NEW SECTION

WAC 246-853-290 **INTENT.** It is the intent of the legislature that the board of osteopathic medicine and surgery seek ways to identify and support the rehabilitation of osteopathic physicians and surgeons and osteopathic physician assistants where practice or competency may be impaired due to the abuse of drugs or alcohol. The legislature intends that these practitioners be treated so that they can return to or continue to practice osteopathic medicine and surgery in a way which safeguards the public. The legislature specifically intends that the board of osteopathic medicine and surgery establish an alternate program to the traditional administrative proceedings against osteopathic physicians and surgeons and osteopathic physician assistants.

In lieu of disciplinary action under RCW 18.130.160 and if the board of osteopathic medicine and surgery determines that the unprofessional conduct may be the result of substance abuse, the board may refer the registrant/licensee to a voluntary substance abuse monitoring program approved by the board.

#### NEW SECTION

WAC 246-853-300 **DEFINITIONS USED RELATIVE TO SUBSTANCE ABUSE MONITORING.** (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and rules established by the board according to the Washington Administrative Code which enters into a contract with osteopathic practitioners who have substance abuse problems. The approved substance abuse monitoring program oversees compliance of the osteopathic practitioner's recovery activities as required by the board. Substance abuse monitoring programs may provide evaluation and/or treatment to participating osteopathic practitioners.

(2) "Impaired osteopathic practitioner" means an osteopathic physician and surgeon or an osteopathic physician assistant who is unable to practice osteopathic medicine and surgery with judgment, skill, competence, or safety due to chemical dependence, mental illness, the aging process, loss of motor skills, or any other mental or physical condition.

(3) "Contract" is a comprehensive, structured agreement between the recovering osteopathic practitioner and the approved monitoring program wherein the osteopathic practitioner consents to comply with the monitoring program and the required components for the osteopathic practitioner's recovery activity.

(4) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services as specified in RCW 18.130.175.

(5) "Chemical dependence/substance abuse" means a chronic progressive illness which involves the use of alcohol and/or other drugs to a degree that it interferes in the functional life of the registrant/licensee, as manifested by health, family, job (professional services), legal, financial, or emotional problems.

(6) "Drug" means a chemical substance alone or in combination, including alcohol.

(7) "Aftercare" means that period of time after intensive treatment that provides the osteopathic practitioner and the osteopathic practitioner's family with group, or individualized counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment program staff.

(8) "Practitioner support group" is a group of osteopathic practitioners and/or other health care 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.

(9) "Twelve-step 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.

(10) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested. The collection of the body fluids must be observed by a treatment or health care professional or other board or monitoring program-approved observer.

(11) "Recovering" means that a chemically dependent osteopathic practitioner is in compliance with a treatment plan of rehabilitation in accordance with criteria established by an approved treatment facility and an approved substance abuse monitoring program.

(12) "Rehabilitation" means the process of restoring a chemically dependent osteopathic practitioner to a level of professional performance consistent with public health and safety.

(13) "Reinstatement" means the process whereby a recovering osteopathic practitioner is permitted to resume the practice of osteopathic medicine and surgery.

#### NEW SECTION

**WAC 246-853-310 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS.** The board will approve the monitoring program(s) which will participate in the recovery of osteopathic practitioners. 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 osteopathic practitioners.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of osteopathic medicine and surgery as defined in chapter 18.57 RCW to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Osteopathic practitioner support groups;
- (e) Osteopathic practitioners' work environment; and
- (f) The ability of the osteopathic practitioners to practice with reasonable skill and safety.

(3) An approved monitoring program will enter into a contract with the osteopathic practitioner and the board to oversee the osteopathic practitioner's compliance with the requirement of the program.

(4) The program staff of the approved monitoring program will evaluate and recommend to the board, on an individual basis, whether an osteopathic practitioner will be prohibited from engaging in the practice of osteopathic medicine and surgery for a period of time and restrictions, if any, on the osteopathic practitioner'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 osteopathic practitioner as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the board any osteopathic practitioner 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 board shall provide the approved monitoring program guidelines on treatment, monitoring, and/or limitations on the practice of osteopathic medicine and surgery 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 osteopathic practitioner 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 246-853-320 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM.** (1) The osteopathic practitioner who has been investigated by the board may accept board referral into the approved substance abuse monitoring program. This may occur as a result of disciplinary action.

(a) The osteopathic practitioner shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation is to be performed by a health care

professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not be the provider of the recommended treatment.

(b) The osteopathic practitioner shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The osteopathic practitioner will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The osteopathic practitioner shall agree to abstain from the use 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. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided.

(iii) The osteopathic practitioner must complete the prescribed aftercare program of the intensive treatment facility. This may include individual and/or group psychotherapy.

(iv) The osteopathic practitioner must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the appropriate monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc.

(v) The osteopathic practitioner shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program.

(vi) The osteopathic practitioner shall attend osteopathic practitioner support groups facilitated by health care professionals and/or twelve-step group meetings as specified by the contract.

(vii) The osteopathic practitioner shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The osteopathic practitioner shall sign a waiver allowing the approved monitoring program to release information to the board if the osteopathic practitioner does not comply with the requirements of the contract.

(c) The osteopathic practitioner is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens, and other personal expenses incurred in compliance with the contract.

(d) The osteopathic practitioner may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the osteopathic practitioner 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) An osteopathic practitioner 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 continue to satisfactorily meet the requirements of the approved monitoring program:

(a) The osteopathic practitioner shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by a health care professional with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The osteopathic practitioner 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:

(i) The osteopathic practitioner will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The osteopathic practitioner shall agree to abstain from the use 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. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided.

(iii) The osteopathic practitioner must complete the prescribed aftercare program of the intensive treatment facility. This may include individual and/or group psychotherapy.

(iv) The osteopathic practitioner must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc.

(v) The osteopathic practitioner shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program.

(vi) The osteopathic practitioner will attend practitioner support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the individual's contract.

(vii) The osteopathic practitioner will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The osteopathic practitioner shall sign a waiver allowing the approved monitoring program to release information to the board if the osteopathic practitioner does not comply with the requirements of the contract. The osteopathic practitioner may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for noncompliance with the contract or if he/she does not successfully complete the program.

(c) The osteopathic practitioner is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens, and other personal expenses incurred in compliance with the contract.

#### NEW SECTION

**WAC 246-853-330 CONFIDENTIALITY.** (1) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in WAC 246-853-320. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(2) Notwithstanding subsection (1) of this section, board orders shall be subject to RCW 42.17.250 through 42.17.450.

#### NEW SECTION

**WAC 246-853-340 EXAMINATION APPEAL PROCEDURES.** (1) Any candidate who takes and does not pass the osteopathic practices and principles examination, may request review of the results of the examination by the Washington state board of osteopathic medicine and surgery.

(a) The board will not modify examination results unless the candidate presents clear and convincing evidence of error in the examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(b) The board will not consider any challenges to examination scores unless the total of the potentially revised score would result in issuance of a license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the written examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia for an examination review session. The candidate must contact the department to make an appointment for the examination review session.

(ii) The candidate's incorrect answers will be available during the review session. The candidate will be given a form to complete in defense of the examination answers. The candidate must specifically identify the challenged questions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate may not bring in any resource material for use while completing the informal review form.

(iv) The candidate will not be allowed to remove any notes or materials from the office upon completing the review session.

(c) The board will schedule a closed session meeting to review the examinations, score sheets, and forms completed by the candidate. The candidate will be notified in writing of the board's decision.

(i) The candidate will be identified only by candidate number for the purpose of this review.

(ii) Letters of referral or requests for special consideration will not be read or considered by the board.

(d) Any candidate not satisfied with the results of the informal examination review may request a formal hearing before the board to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for formal hearing must be received by the department within twenty days of the date on the notice of the results of the board's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at last twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate had identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 246-853-350 EXAMINATION CONDUCT.** Any applicant who fails to follow written or oral instructions relative to the conduct of the examination, is observed talking or attempting to give or receive information, or use unauthorized materials during any portion of the examination will be terminated from the examination and not permitted to complete it.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 308-138-055 OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION**

### **WSR 91-03-118**

#### **PERMANENT RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 2—Filed January 23, 1991, 11:17 a.m.]

Date of Adoption: January 16, 1991.

Purpose: To update procedures for allocating state moneys to school districts for state categorical programs (i.e., handicapped, institutional education, learning assistance, transitional bilingual, and highly capable programs).

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-010, 392-122-100, 392-122-106, 392-122-107, 392-122-110, 392-122-120, 391-122-145, 392-122-200, 392-122-210, 392-122-230, 392-122-235, 392-122-270, 392-122-600, 392-122-605, etc.

Statutory Authority for Adoption: RCW 28A.150.290.

Other Authority: Chapter 19, Laws of 1989 1st ex. sess. and chapter 16, Laws of 1990 1st ex. sess.

Pursuant to notice filed as WSR 90-24-052 on December 3, 1990.

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

January 23, 1991  
Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-122-010 PURPOSE. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.150.370 other than basic education apportionment, special allocations pursuant to chapter 392-140 WAC, and transportation allocations.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-100 STATE HANDICAPPED PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state education program for handicapped students:

- (1) WAC 392-122-100 through ~~((392-122-160))~~ 392-122-165; and
- (2) WAC 392-122-900 through ~~((392-122-905))~~ 392-122-910.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-106 DEFINITION—FORM P-223H. "Form P-223H" (~~((shah))~~) means the report of school district handicapped headcount enrollment by each handicapping condition and age for eligible handicapped students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for the purpose of calculating the handicapped program allocations.

- (1) The count dates for handicapped student enrollments shall be the same as specified in WAC ~~((392-121-105(2)))~~ 392-121-122.
- (2) This report shall indicate the handicapped enrollment by resident school district and serving school district.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-107 DEFINITION—REPORT 1220. "Report 1220" (~~((shah))~~) means the school district's handicapped allocation report calculated and prepared by the superintendent of public instruction using the district's eight-month average annual headcount enrollment as submitted on Form P-223H for the school year and the ratios and percentages established in the LEAP document for state handicapped program(s) allocation as defined in WAC 392-122-105. For the purpose of handicapped allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for first school day of the second reporting month and the subsequent seven months.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-110 DEFINITION—STATE HANDICAPPED PROGRAM—HANDICAPPED

PROGRAM CERTIFICATED (~~((DERIVED-BASE SALARY))~~) INSTRUCTIONAL STAFF SALARY AND MIX FACTOR VARIABLES FOR THE ALLOCATION FORMULA. (~~((<sup>2</sup>"Handicapped program certificated derived base salary" means the handicapped program certificated derived base salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations:))~~) Handicapped program certificated instructional staff salary and mix factor variables used in the handicapped allocation formula shall be defined the same as those defined in WAC 392-121-285 through 392-121-298: PROVIDED, That the words "state handicapped program" shall be substituted for "basic education" throughout those definitions.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-120 STATE HANDICAPPED PROGRAM—DETERMINATION OF DISTRICT AVERAGE STATE HANDICAPPED PROGRAM CERTIFICATED (~~((DERIVED-BASE))~~) INSTRUCTIONAL STAFF SALARY FOR THE PURPOSE OF APPORTIONMENT. (~~((State handicapped program moneys shall be allocated using each school district's handicapped program certificated derived base salary and its staff mix factor for certificated handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The certificated staff mix factor used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations shall be based on certificated staff as reported on Form S-275 with work assignments in the state handicapped program:))~~) The determination of district average handicapped program certificated instructional staff salary used in the handicapped allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: PROVIDED, That the words "state handicapped program" shall be substituted for "basic education" throughout that section.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-145 STATE HANDICAPPED PROGRAM—HOME AND/OR HOSPITAL CARE—EXTENDED ABSENCES. Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care(~~((; otherwise not deemed "handicapped" pursuant to WAC 392-171-310;))~~) shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

- (1) Students not deemed eligible handicapped students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an

enrolled student (~~until~~) on the next monthly enrollment report day unless attendance (~~is~~) has resumed (~~as provided under WAC 392-121-180(6)~~). (~~These~~) Such students (~~whose absences extends beyond the two consecutive monthly enrollment report days~~) shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible handicapped students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

#### NEW SECTION

WAC 392-122-165 STATE HANDICAPPED PROGRAM—APPORTIONMENT OF STATE HANDICAPPED PROGRAM MONEYS. From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state handicapped program moneys to each school district based on the LEAP document for state handicapped program allocation and on the provisions of WAC 392-122-100 through 392-122-160. The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-200 STATE INSTITUTIONAL EDUCATION PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state institutional education program:

(1) WAC 392-122-200 through (~~392-122-280~~) 392-122-275; and

(2) WAC 392-122-900 through (~~392-122-905~~) 392-122-910.

#### NEW SECTION

WAC 392-122-206 DEFINITION—STATE INSTITUTIONAL EDUCATION PROGRAM—FORM E-672. "Form E-672" means the form distributed by the superintendent of public instruction on which school districts operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-121-122.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-210 DEFINITION—STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CERTIFICATED (~~DERIVED BASE SALARY~~) INSTRUCTIONAL STAFF AND MIX FACTOR VARIABLES FOR THE ALLOCATION FORMULA. (~~"Institutional program certificated derived base salary" means the district's institutional education program certificated derived base salary calculated and provided annually by the superintendent of public instruction for the purpose~~

~~of distributing institutional education program allocations.~~) The definition of state institutional education program certificated instructional staff salary and mix factor variables used in the institutional education allocation formula shall be defined the same as those defined in WAC 392-121-285 through 392-121-298: PROVIDED, That the words "state institutional education program" shall be substituted for "basic education" throughout those definitions.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-230 STATE INSTITUTIONAL EDUCATION PROGRAM—ELIGIBLE INSTITUTIONAL EDUCATION STUDENTS. State institutional education program moneys shall be allocated to school districts based on the institutional full-time equivalent enrollment levels (~~provided by the department of social and health services to the special and institutional education~~) reported on Form E-672 by school districts operating state institutional education programs to the school business services division in the office of the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-235 STATE INSTITUTIONAL EDUCATION PROGRAM—DETERMINATION OF DISTRICT AVERAGE STATE INSTITUTIONAL PROGRAM CERTIFICATED (~~AVERAGE~~) INSTRUCTIONAL STAFF SALARY FOR THE PURPOSE OF APPORTIONMENT. (~~State institutional education program moneys for the purpose of recognition of institutional program certificated staff salaries shall be allocated using each school district's state institutional certificated derived base salary and the district's staff mix factor for certificated institutional education program staff as provided in the State Appropriations Act currently in effect and provided by the superintendent of public instruction for the purpose of distributing institutional education program allocations. The certificated staff mix factor used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations for the institutional education program shall be based on certificated staff with work assignments in the state institutional education program as reported by the district on the Form S-275 for the current school year.~~) The determination of district average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: PROVIDED, That the words "state institutional education program" shall be substituted for "basic education" throughout that section.



AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-270 STATE INSTITUTIONAL EDUCATION PROGRAM—~~((INITIAL ALLOCATION))~~ APPORTIONMENT OF STATE MONEYS. ~~((The initial allocation for state institutional education programs shall be))~~ From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall make allocations to school districts based upon the sum of moneys allocated in accordance with WAC 392-122-230, 392-122-235, ((392-122-240, 392-122-245, 392-122-250, and)) 392-122-255, and 392-122-260. ((Additional funds shall be allocated to state institutional education programs during the school year as approved by the superintendent of public instruction.)) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-600 STATE ~~((REMEDATION))~~ LEARNING ASSISTANCE PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state ~~((remediation))~~ learning assistance program:

(1) WAC 392-122-600 through 392-122-610; ~~((and))~~

(2) WAC 392-122-900 ~~((through 392-122-905));~~ PROVIDED, That allowable expenditures including indirect expenditures shall be determined pursuant to WAC 392-162-095; and

(3) WAC 392-122-905 through 392-122-910.

AMENDATORY SECTION (Amending Order 87-2, filed 4/6/87)

WAC 392-122-605 ~~((FORMULA FOR DISTRIBUTION))~~ APPORTIONMENT OF STATE MONEYS FOR THE STATE ~~((REMEDATION))~~ LEARNING ASSISTANCE PROGRAM. ~~((1) As used in this section, the term "district fourth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the approved fourth grade test administered by districts pursuant to RCW 28A.03.060, using the most recent prior five-year average scores on the fourth grade test.~~

(2) A district's entitlement for state moneys for the state remediation assistance program shall be calculated as follows:

(a) ~~Multiply the district fourth grade RAP percentage by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six; and~~

(b) ~~Reduce the amount obtained in (a) of this subsection to the extent that the number of students ages seven through eleven resident to the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full-time equivalent enrollment in grades two through six; and~~

~~(c) Multiply the number of students obtained in (b) of this subsection by the per pupil allocation established in the state appropriation act for the state remediation assistance program; and~~

~~(d) The result in (c) of this subsection is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.))~~ State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-122-610 ~~((DISTRIBUTION))~~ PAYMENT OF STATE MONEYS FOR THE STATE ~~((REMEDATION))~~ LEARNING ASSISTANCE PROGRAM. ~~((The superintendent of public instruction shall apportion to districts for the state remediation assistance program the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect the changes in each district's annual average full time enrollment in grades two through six and eight-month annual average specific learning disabled headcount enrollment ages seven through eleven.))~~ From the state learning assistance program moneys appropriated to the superintendent of public instruction, the superintendent shall make payments in the same manner as provided in WAC 392-121-400.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-700 STATE TRANSITIONAL BILINGUAL PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state ~~((funds))~~ moneys for the state transitional bilingual program:

(1) WAC 392-122-700 through 392-122-710; and

(2) WAC 392-122-900 through ~~((392-122-905))~~ 392-122-910.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-800 STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state ~~((funds))~~ moneys for the state highly capable students education program:

(1) WAC 392-122-800 through 392-122-810; and

(2) WAC 392-122-900 through ~~((392-122-905))~~ 392-122-910.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-805 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR THE STATE HIGHLY CAPABLE STUDENTS EDUCATION



PROGRAM. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC (~~(392-121-105(3))~~) 392-121-133.

(2) A district's entitlement for state moneys for the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

### NEW SECTION

WAC 392-122-910 GENERAL PROVISIONS—RECOVERY FOR FAILURE TO MEET PROGRAM REQUIREMENTS. (1) Categorical apportionment moneys affected by this chapter shall be recovered in the event that a school district fails to meet one or more conditions that are established in state law, including the state Operating Appropriations Act, or state rules, or regulations.

(2) Such recovery shall occur if:

(a) The school district's failure to meet one or more established conditions is documented either on a school district report that has been submitted to the superintendent of public instruction or by review of the school district's program by the superintendent of public instruction; and

(b) The school district has been given notice by the superintendent of public instruction of such failure at least thirty calendar days prior to the date of recovery.

(3) The amount of such recovery shall be proportional to the degree to which the school district fails to meet the established condition.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-122-115 DEFINITION—STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED DERIVED BASE SALARY.

WAC 392-122-125 STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED DERIVED BASE SALARY.

WAC 392-122-215 DEFINITION—STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CLASSIFIED AVERAGE SALARY.

WAC 392-122-240 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CLASSIFIED AVERAGE SALARY.

WAC 392-122-245 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM INSURANCE BENEFITS.

WAC 392-122-250 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM NONEMPLOYEE RELATED COST.

### WSR 91-03-119

#### PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 91-03—Filed January 23, 1991, 11:30 a.m.]

Date of Adoption: August 29, 1990.

Purpose: To set forth policies, selection, criteria, and administrative procedures for establishing an annual Washington award for excellence in education to teachers, principals, administrators, superintendents, school boards, and classified staff.

Citation of Existing Rules Affected by this Order: Amending WAC 392-202-003.

Statutory Authority for Adoption: RCW 28A.625.050.

Pursuant to notice filed as WSR 90-15-071 on July 18, 1990.

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

January 23, 1991

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-202-003 AUTHORITY. The authority for this chapter is RCW 28A.625.050 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, administrators, superintendents, (~~and~~) school boards, and classified staff.

### WSR 91-03-120

#### WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 23, 1991, 2:07 p.m.]

Notice of proposed rulemaking, Form CR-102, was filed January 14, 1991, under WSR 91-03-051. That notice related to access charges by telecommunications company, Docket No. UT-900880.

There will be no open meeting on February 27, 1991. A new notice is being filed which will set the matter for hearing on March 6, 1991.

Paul Curl  
Secretary

**WSR 91-03-121**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed January 23, 1991, 2:11 p.m.]

**Original Notice.**

Title of Rule: WAC 480-80-047 relating to access charges by telecommunications companies. The proposed new section is shown below as Appendix A, Docket No. UT-900880. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values, pursuant to chapter 43.21H RCW.

Purpose: The proposed rule is designed to set forth procedures for updating tariffed access charges.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: The rule requires annual updates by local exchange telecommunications companies of the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission.

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 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: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on March 6, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 25, 1991.

Date of Intended Adoption: March 6, 1991.

January 23, 1991

Paul Curl  
Secretary

APPENDIX "A"

**NEW SECTION**

WAC 480-80-047 ACCESS CHARGES. (1) Updated tariffed access charges required. All local exchange telecommunications companies in the state of Washington shall update annually the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission. The updates shall be calculated as prescribed in the Eighteenth and Nineteenth Supplemental Orders in Cause No. U-85-23 et al., including

the transition to a twenty-five percent allocation factor, or as may be otherwise prescribed by commission order or rule, and each company's access charge revenue requirement shall be adjusted for changes in extended area service routes that have occurred since the previous update.

(2) Filing dates. Each company shall file by March 1 of each year, to be effective April 1, such updated tariffs, based upon the usage and cost data of the previous year.

(3) Data filing requirement. With each annual updated tariff filing, each company shall also file complete workpapers and data sufficient for the staff of the commission and others to audit the correctness of the tariff filing. No company shall file any of the workpapers and data required by this section with a claim of confidentiality, without express prior permission by written order of the commission, after notice to interested parties. Pursuant to WAC 480-09-015, the company that petitions for such a finding of confidentiality shall bear the burden of demonstrating that the subject data is in fact confidential under the laws of the state of Washington.

**WSR 91-03-122**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed January 23, 1991, 2:20 p.m.]

**Original Notice.**

Supplemental Notice to WSR 90-19-118.

Title of Rule: WAC 480-120-021, 480-120-106, 480-120-138, and 480-120-141, relating to telecommunication companies; the glossary, alternate operator services, pay telephones, and form of bills. The proposed amendatory sections are shown below as Appendix A, Docket No. UT-900726. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory sections on economic values, pursuant to chapter 43.21H RCW.

Other Identifying Information: See Short Explanation below.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 80.36 RCW.

Summary: See Short Explanation below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and commission staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes expand the AOS definition to include operator service to any pay phone and clarify other terminology; set forth duties of the local exchange company in regard to AOS portions of its bill and provide for updating of listing of telecommunication companies for which the billing agent bills; limit charges from pay phones for directory assistance; require that

users of pay phones be allowed free access to all inter-exchange access and to all 1-800 numbers; exempt services to prisoners from compliance with rules inconsistent with pertinent law; set forth contract requirements between AOS providers and customers; require certain notifications on the phone line and on the phone instrument of pay phones; and restrict certain AOS charges.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Small Business Economic Impact Statement: This is a revision to an earlier analysis issued September 28, 1990. Parties are requested to provide comment, additional analysis and specific information. In addition, the commission intends to continue evaluating the cost of compliance and reserves the right to amend this statement as more definitive data become available.

This analysis estimates the cost per hundred dollars of sales of compliance with proposed rules for telecommunications companies in Docket No. UT-900726 regarding alternate operator services and pay telephones. This type of analysis is required under chapter 19.85 RCW if a proposed rule will have an economic impact on more than 10 percent of all of the businesses in this state in any one three-digit standard industrial classification. It is assumed that the proposed rules in Docket No. UT-900726 do have an economic impact on more than 10 percent of the businesses in the standard industry classification for telephone companies (481)

RCW 19.85.040 states the purpose and content requirements of a small business economic impact statement (SBEIS). The purpose is to analyze the cost of compliance on the 10 smallest businesses and compare that with the impact on the 10 largest businesses. The analysis uses a cost per hundred dollars of sales measure.

In each instance except AOS entry, where the rule speaks of a limitation on rates to "prevailing" levels, the rule also makes it clear that the affected regulated company is entitled under law to the opportunity to earn a fair return through rates which are fair, just and reasonable. The rule does not and cannot change the statutory and constitutional requirements. Moreover, the rate provisions of this rule will have no direct effect upon existing tariffs, but only upon tariffs filed after the effective date of whatever rule is promulgated, to the extent otherwise authorized by law.

Types of companies affected: The proposed rules will affect several types of companies. This analysis will review the impact on three types of companies; privately owned pay telephone service companies (called customer owned pay telephones or COPT for the rest of this analysis), local exchange companies (LECs), and full service operator service providers (OSP).

COPTs will be divided between small and large. For purposes of this analysis, a small COPT is defined as one with approximately 15 pay telephones. It is assumed that a small COPT does not have any pay telephones with store and forward technology. The term "store and forward technology" means the ability to electronically capture call details and to rate calls for billing purposes, as well as provide a wide range of automated capabilities that are the functional equivalent of many operator handling services. A large COPT is defined as one having

more than 100 pay telephones. It is assumed that a large COPT has 50% of its pay telephones equipped with store and forward technology. When a COPT telephone invokes store and forward technology to complete a call, the COPT is considered an AOS. For this analysis a large COPT will be assumed to be similar to a small OSP.

The rule changes would also affect pay telephone and billing service provided by LECs. It is assumed that the hypothetical LEC does not have any pay telephones with store and forward technology.

The OSP provides a full range of operator handling services, including directory assistance, as well as connections to local and toll calling. This analysis reviews the impact on two sizes of OSP: Super, meaning a telecommunications company with more than 500 million dollars of intrastate operating revenue, with an assumed 5% of its business, being the provision of an AOS or payphone service (a typical example might be a large LEC); and intermediate, approximately 1.5 million dollars derived just from intrastate AOS revenue, examples of these group may include interexchange carriers (IXCs), LECs, and pure OSPs. There are also small OSPs, with less than \$500,000 annual intrastate pay telephone revenue derived through the use of store and forward technology. These companies are similar to large COPTs.

Assumptions about the structure of the industry are made to allow a framework for analysis, and to try and assure that various distinctive characteristics of the different types of firms are accounted for. Various proposed rule changes may affect different types of companies in different ways. While certain categories contain various types of companies, for instance intermediate OSP includes LECs, IXCs, and pure OSPs, estimated impacts are lumped together for analytical purposes. Inferences about the effect on overall results of operations must be made carefully.

Hotel and motel operators and similar institutions would be less directly affected by the draft rule provisions. Many hotels (using that term collectively to refer to all similarly situated institutions) resell direct-dial local and toll service to their guests. The charges for that service appear on the guest's room bill, rather than on the guest's residential or business telephone bill. The commission has not presently determined those providers to be telecommunications companies, nor does it directly regulate the provision of that telecommunication service. Hotels may charge nothing or may charge a dollar or more, for each use of the telephone. They may offer local or toll telephone service free, at cost, or may mark up the resold telecommunication service by up to fifty per cent or more.

Hotels generally do not themselves provide operator-assisted resold telecommunications service, but instead contract with an operator service provider ("AOS company" under Washington law) to provide that service. Hotels may acquire additional equipment that can be used with a PBX to provide store and forward functions and which can automate many operator functions.

In the present draft, the 25 cent cap on consumer instrument access charges is intended to apply to hotel

providers of telecommunications service. At present, there is no such limit.

Provisions of the draft affecting AOS companies would affect all firms (aggregators) employing the AOS company, would require the posting of notices, and could limit commissions and surcharges collected by the AOS company, which are generally billed to the consumer's local telephone bill. The draft rule would prohibit fees which vary according to the commission paid to aggregators, and would limit surcharges collected by the AOS company to a tariffed amount. These provisions would not apply to any existing tariff, but would apply only to new tariffs, unless the AOS could justify a different surcharge.

Because of the number of variables, and a lack of information about specific arrangements between the hotel industry and AOS companies, it is not possible to gauge the economic effect on the industry. The AOS company is entitled, as a telecommunications company, to rates which are fair, just, and reasonable. In a rate case, the commission could determine the level of commissions (or surcharges, if there is no cap) which are allowable as appropriate business expenses. The AOS company could pay more than that level, but could not recover the excess in rates.

Another provision of the draft would require AOS companies as a condition of service to aggregators, to assure that aggregators charge no more for telecommunications services or surcharges than authorized by the commission or by (the AOS company's) tariff. This could limit rates charged by aggregators. The economic effect of the provision is unknown, as no information was provided as to whether existing rates are higher or lower than either prevailing rates or existing AOS company tariffed rates. The commission will carefully consider whether this or any similar provision is appropriate.

Cost variables investigated: This analysis investigates effects of six cost variables for the various types of companies assumed to be affected by the proposed rules. First, an amendment to WAC 480-120-106 adds the requirement that billing clearinghouses must provide to the LEC providing billing and collection service a list of the registered telecommunications companies for whom it submits charges. The proposed rule requires that this list be up-dated as changes occur, and the LEC must in turn provide a copy of this list to the commission.

The remaining cost factors analyzed are affected by proposed changes to WAC 480-120-141. The second variable is the requirement that an AOS file every six months a current list of customers which it serves and the locations and telephone numbers to which service is provided to each customer. Third, an AOS must provide additional information on notices posted at each instrument served. Fourth, the rule proposes a specific message for branding. Fifth, it is proposed that AOSs must, upon request, redirect calls to the carrier of choice, or in the alternative provide directions for reaching the carrier of choice. Sixth, a surcharge limit of \$0.25 per call is proposed for certain services.

Unquantifiable effects: In addition to these cost items there are several aspects of the proposed rules which may impose additional costs of compliance upon certain

telecommunications companies, however estimating the impact is either very difficult because of lack of information, because of unknown off-setting effects, or because alternatives (such as a waiver) are offered to compliance. Some of these aspects are discussed here.

Proposed changes to WAC 480-120-106 require a toll free number on the AOS portion of a bill, and require that the number can only be used if it connects the subscriber with a firm which has full authority to adjust disputed calls. The same rule has amendments to WAC 480-120-106 adding the requirement that the name of the carrier providing service appear on the bill rendered by the local exchange carrier. In the first instance, this analysis does not estimate the cost of compliance because of the unavailability of data. In the second instance, the latest revision to the proposed rule indicates that the local exchange carrier only has to do this where feasible, and it is not known which LECs have this capability. Therefore, the cost of compliance is unknown.

Amendments to WAC 480-120-138 place a cap on directory assistance charges with the option to justify a different rate. Utility companies are entitled to rates which are fair, just, and reasonable. If a company does justify higher rates there would be no revenue reduction associated with this revision.

An amendment to WAC 480-120-138 authorizes a \$0.25 per call charge for access to 1-800 and 950 numbers. Since the volume of calls for access to 1-800 or 950 is unknown, it is impossible to estimate the revenues.

Changes to WAC 480-120-141 at new subsection (2) make the AOS company responsible for an aggregator's compliance with consumer protection aspects of the rule such as branding, notice, and unblocking requirements. It may cost money to comply with that proposed rule change, but it is unknown what the effect will be. The rule already requires that the AOS post dialing directions so that a consumer may reach the AOS operator to receive specific rate information, and the proposed amendments at WAC 480-120-141 (4)(b)(ii) add the condition that the customer has to be able to get rate quotes without charge. Subsections (5)(a)(iv)(A) - (C) add additional similar requirements. Again, due to a lack of data, the incremental cost of compliance can not be analyzed.

New requirements to redirect (reoriginate) a call to the preferred carrier, or provide directions to reach a preferred carrier, augment existing rules, and may require additional expense which is analyzed briefly under cost factor 5, however, other unknown factors may offset the impact of compliance. For example, if rates and surcharges approach prevailing levels, customer requests for reorigination may diminish, and quarter surcharges for 1-800 or interexchange carrier access may offset costs of compliance. Furthermore, quarter surcharges for 1-800 or interexchange carrier access represent additional revenue because it is assumed that COPTs do not currently charge anything for those calls.

Finally, the proposed rule develops definitions of the term "public convenience and advantage" and reaffirms a telecommunications company's need and right to justify rates exceeding prevailing levels. The definitions could cap rates of new entrants at prevailing rates, which may

cause lower revenue growth or stimulate work to justify a different rate. The cost is very difficult to estimate, and it is not known whether small companies would be more severely impacted than large companies.

Analysis of cost factors: The attached schedule (Table 1) depicts the costs analysis discussed below.

1. An amendment to WAC 480-120-106 adds the requirement that billing clearinghouses must provide to the LEC providing billing and collection service a list of the registered telecommunications companies for whom it submits charges. The proposed rule requires that this list be updated as changes occur, and the LEC must in turn provide a copy of this list to the commission.

Cost of compliance with this rule will fall on the LEC. It is assumed the administrative activity of filing a copy of the list will require approximately one hour of clerical work at an assumed fully-loaded cost of \$12/hour. Mailing and materials would cost another dollar.

Estimated total cost of compliance is \$13 per list. It is assumed that the list will have to be up-dated six times per year, and these costs do not vary substantially between large and small LECs. It is further assumed that each LEC impacted has billing and collection agreements with three billing clearinghouses. Therefore, the total cost of compliance falling upon LECs will be six times three times \$13, or \$234 per year.

2. Under the proposed amendment to WAC 480-120-141 an AOS must file every six months a current list of customers which it serves and the locations and telephone numbers to which service is provided to each customer. A list of customers, locations and telephone numbers is assumed to be readily available every six months. The administrative activity of filing a list will require approximately one hour of clerical work at an assumed fully-loaded cost of \$12/hour. Mailing and materials will cost another dollar it is estimated. Estimated total cost of compliance is \$13 per list, or \$26 per year. It is assumed that this cost does not vary substantially between large and small companies.

3. Proposed changes to 480-120-141 require additional information to be posted on each instrument served. The draft would allow time for compliance. It is estimated that 10,000 notices can be printed for approximately \$5,000. That works out to 50 cents per installed notice. The unit cost would be somewhat higher for smaller companies requiring smaller volumes of printed notices. Therefore the cost is assumed at \$1 per notice for the smaller and intermediate companies. It is assumed that the posting cost of the notices will be relatively small per phone as the work would be performed simultaneously with other functions such as collections and repair. We have used 50 cents per phone. Due to vandalism, etc. these notices will have to be replaced twice a year.

Under these assumptions, the cost of compliance for small COPTs, who will not print the notices as they are assumed to be provided by the OSP, will be 50 cents per notice, total cost \$15 a year. For the large COPT with 100 phones total annual cost would be \$100.

It is assumed that an LEC has 500 pay telephones. At fifty cents per notice to post, total annual cost of \$500.

A super OSP serves approximately 4,000 pay telephones or other aggregator phones. At \$1 to print and post per notice apiece, the total annual cost is \$8.00. The intermediate OSP is assumed not to own a majority of the payphones served. Serving 2,000 payphones, it would incur the printing cost for these phones plus a posting cost for those phones owned, say 20%. Total annual costs would be \$2,400.

4. The rule proposes a specific message for branding every call at the beginning and again before the call is connected. Current rules require branding once with the carrier's name.

The small COPT does not provide operator service. Large COPTs with 100 pay telephones will have to reprogram at least those phones that provide store and forward capabilities. At \$20 an instrument total cost would be \$300. LECs with 500 phones would only incur additional direct costs if they provide operator service. The large or medium sized LECs that provide operator service would be included in the OSP category therefore no costs for LECs is assumed under this category.

It is assumed that super and intermediate OSPs will comply with this proposed rule by training their operators in the new procedure. If these firms have 200 operators, paid an hourly fully loaded wage of \$20 and it takes less than one hour for training, the cost of compliance is approximately \$4,000.

5. The proposed rule requires that an operator be able to reorganize a call for a consumer using the carrier of the consumer's choice. It is assumed that this proposed rule will be met with compliance through live operator handling provided by OSPs. It is assumed that this is accomplished by training operators in the new procedure. Again, assume that super and intermediate OSPs have 200 operators, it takes an hour to train them at \$20 per hour fully loaded labor cost. Cost of compliance is \$4,000 per those assumptions.

6. The proposed rules restrict surcharges to \$0.25 per call. This rule will impact those companies that operate pay telephones and receive surcharge revenue from the AOS. It is assumed that this requirement will have no impact on the LEC, super AOS, or intermediate AOS that does not operate a payphone service. The small and large COPTs and small AOS companies should be impacted. Other aggregators such as hotel/motels may also be impacted by this limitation. It is uncertain, however, whether these potential lost revenues may be offset by other factors. As the cost of providing phone service pervades the entire industry, the issue may become one of rate spread as opposed to lost revenue.

For those companies that operate payphones it is assumed that current surcharges are approximately \$1 per call. Therefore the loss of revenue is a function of the level of billed long distance calls per phone and the number of phones. It is assumed that the lost revenue will be offset by reduced revenue sensitive expenses of 20%. Our review of available information seems to indicate that the larger COPT receive a greater level of revenue per phone from these surcharges. This analysis reflects that perception. For small COPTs we anticipate a loss of approximately \$8,550 in revenue, net of revenue sensitive expenses this cost would amount to \$6,840. For

the large COPT a loss in revenue of approximately \$117,000 is anticipated for a net cost of \$93,600. This analysis does not consider offsetting revenues from authorized surcharges. It also does not consider increased commissioned calling volume which should result if AOS rates fall to prevailing levels and consumers no longer feel the pressure to avoid the presubscribed carrier.

Cost impact as a percent of revenue: In the attached Table 1 we have analyzed the cost factors for the five industry groups as discussed above. In the analysis, costs are classified as either "one time" or as "ongoing." Costs related to branding messages and reorigination we have treated as "one time" costs. The remainder of the items are "on going" or annual.

The analysis assumes specific levels of revenues. These revenues are intended to represent intrastate Washington revenues. The intermediate and super OSP may have significant levels of interstate or other jurisdictional revenue, and Washington intrastate may be only a small percentage of total revenue. The revenues depicted are intended, however, to represent all revenues and not just AOS or payphone revenues.

The impact on the various companies is displayed on the bottom two lines of the table. As can be seen, for the small COPT the cost may be as high as \$18 per \$100 of annual revenue. For the LECs, intermediate and super OSP's the costs will be less than 50 cents per hundred dollars of revenue.

The commission is aware of the effect on small COPTs as depicted in the above analysis. Some provisions of the proposed rule are an attempt to mitigate this effect, including the provision to allow a charge for the use of 1-800 or interexchange calling. The impacts of these provisions are not easily measurable. The commission will continue to consider the effects of this proposal and possible changes to it, and will continue to consider possible mitigation.

**Small Business Impact Statement**

Table 1

**Schedule of Impacts**

Item	Small COPT	Large COPT	Intermediate OSP	Super OSP	LEC
1) Billing Lists	\$0	\$0	\$0	\$0	\$234
2) Customer Lists	0	0	26	26	26
3) Notices	15	100	2,400	8,000	500
4) Branding Message	0	300	4,000	4,000	200
5) Reorigination	0	0	4,000	4,000	0
6) Surcharge	6,840	93,600	0	0	0
<b>One time cost</b>	<b>\$0</b>	<b>\$300</b>	<b>\$8,000</b>	<b>\$8,000</b>	<b>\$200</b>
<b>Annual cost</b>	<b>\$6,855</b>	<b>\$93,700</b>	<b>\$2,426</b>	<b>\$8,026</b>	<b>\$760</b>
<b>Assumed annual revenue</b>	<b>\$37,500</b>	<b>\$1,250,000</b>	<b>\$1,500,000</b>	<b>\$500,000,000</b>	<b>\$4,000,000</b>
<b>Percent of revenue:</b>					
One time	0.00%	0.02%	0.53%	0.00%	0.01%
On going	18.28%	7.50%	0.16%	0.00%	0.02%

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on May 1, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by Initial: March 6, 1991 and Reply: March 27, 1991.

Date of Intended Adoption: May 1, 1991.

January 23, 1991  
Paul Curl  
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-293, filed 1/31/89)

WAC 480-120-021 GLOSSARY. Alternate operator services company - any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from (~~places including but not limited to, hotels, motels, hospitals, campuses, and customer-owned pay telephones. Alternate operator services companies are those with which a hotel, motel, hospital, campus, or customer-owned pay telephone, etc., contracts to provide operator services to its clientele~~) locations of call aggregators.

Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1)(a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Billing agent - A person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.

Base rate area or primary rate area - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Call aggregator - a person who, in the ordinary course of its operations, makes telephones available for intrastate service to the public or to users of its premises, including but not limited to hotels, motels, hospitals, campuses, and pay telephones.

Central office - switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission - the Washington utilities and transportation commission.

Competitive telecommunications company - a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.

Competitive telecommunications service - a service which is classified as such by the commission pursuant to RCW 80.36.330.

Customer - user not classified as a subscriber.

Exchange - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line - outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station - a telephone instrument installed and in use on a farmer line.

Interexchange telecommunications company - a telecommunications company, or division thereof, that does not provide basic local service.

Outside plant - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station - a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the 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.

**AMENDATORY SECTION** (Amending Order R-293, filed 1/31/89)

WAC 480-120-106 **FORM OF BILLS.** Bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the alternate operator service company's billing agent and, where feasible, within ninety days after the effective date of this rule, the provider of ((the service or its authorized billing agent)) alternate operator service, and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address where they can write to question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall in turn, upon receiving it, provide a copy of this list to the commission for its review.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

**AMENDATORY SECTION** (Amending Order R-316, filed 3/23/90)

WAC 480-120-138 **PAY TELEPHONES—LOCAL AND INTRASTATE.** Every telecommunications company operating an exchange within the state of Washington may allow pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission setting rates and conditions applicable to the connection of pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, collect, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations.

For purposes of these rules, the term "subscriber" is defined as a party requesting or using a public access line for the purpose of connecting a pay telephone to the telephone network.

(1) Pay telephones connected to the company network must comply with Part 68 of the Federal Communications Commission rules and regulations and the ((current)) National Electric Code and National Electric Safety Code, as they existed on January 1, 1991, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access the operator and 911 where available without the use of a coin.

(4) ((The subscriber shall pay the local directory assistance charge currently in effect for each pay telephone and may charge the user for directory assistance calls.)) The charge for each directory assistance call paid by the ((user)) consumer shall not exceed the ((current)) prevailing per call charge ((paid by the subscriber)) for director assistance. In the absence of persuasive contrary evidence, the charge of U S WEST Communications for intraLATA directory assistance or AT&T for interLATA directory assistance shall be accepted as the prevailing charge. The charge for sent-paid access to local exchange, 1-800 and interexchange carrier service shall not exceed twenty-five cents.

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted on each pay telephone.

(6) Information consisting of the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber must be displayed on the front of every pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) "An accurate quotation of all rates and surcharges is available to the user by ((dialing 0)) (insert appropriate method) and requesting costs"; and

(b) The notice required by WAC 480-120-141(((++))) (4)(a).

In no case will the charges to the user exceed the quoted costs.

(7) The telephone number of the pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All pay telephones must ((be capable of providing)) provide access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply restriction, where available, which prevents fraud to the 10XXX 1+ codes, at appropriate tariffed rates.



(11) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) Pay telephones shall be connected only to public access lines in accordance with the approved tariffs offered by the local exchange company. Local exchange company pay telephones are not subject to this requirement.

(13) A subscriber must order a separate pay telephone access line for each pay telephone installed. Extension telephones may be connected to a pay telephone access line when the instrument:

- (a) Prevents origination of calls from the extension station; and
- (b) Prevents third party access to transmission from either the extension ~~((of))~~ or the ~~((coin-operated))~~ pay telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to pay telephone service, or other requirements contained in these rules, including interexchange carrier access requirements, will subject the pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber. WAC 480-120-081 (4)(g) shall not apply to such disconnections.

It shall be the responsibility of every local exchange company to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local exchange company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local exchange company to provide free of charge one current telephone directory each year for each public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.

Public access lines will be charged at rates according to the relevant tariff as approved by the commission.

(19) Disconnection of, or refusal to connect, a pay telephone for violation of these rules may be reviewed by the commission in a formal complain under WAC 480-09-420(5) through a brief adjudicative proceeding under the provisions of RCW 34.05.482-491 and WAC 480-09-500.

**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 R-293, filed 1/31/89)

WAC 480-120-141 ALTERNATE OPERATOR SERVICES. All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall ~~((conform to))~~ comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission. ~~((Alternate operator services companies (AOS) are those with which a hotel, motel, hospital, prison, campus, customer-owned pay telephone, etc.,~~

~~contracts to provide operator services to its clientele.)) Alternate operator service provided to the inmates of state or local penal or correctional facilities or jails are exempt from compliance with the provisions of any rule inconsistent with RCW 9.73.095 or an equivalent ordinance, so long as the charges for service are no higher than the prevailing charges for operator services.~~

(1) Each alternate operator services company shall file with the commission at least every six months a current list of customers which it serves and the locations and telephone numbers to which service is provided to each customer.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company. The AOS company shall withhold the payment of compensation, including commissions, from an aggregator, if the AOS company reasonably believes that the aggregator is blocking access to interexchange carriers in violation of these rules.

(3) For purposes of this section ~~((the))~~, "consumer" means the party ~~((billed for the completion of))~~ initiating an ~~((interstate/intrastate))~~ interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, ~~((customer-owned))~~ pay telephone, etc., contracting with an AOS for service.

~~((++))~~ (4) An alternate operator services company shall require as a part of ~~((the))~~ any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger Stylic Bold type, one of the following notices.

(i) If any service is provided at charges which may exceed the prevailing rates for service, the following message shall appear, printed in red ink. In the absence of a determination by the Commission as to the prevailing rates, the rates at which service is offered by U S WEST for intraLata service and AT&T for interLATA service will be accepted as the prevailing rates.

SERVICES ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR ~~((DIALING THROUGH THE LOCAL TELEPHONE COMPANY))~~ REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(ii) If ALL service from the instrument will be provided at charges, including any surcharges or fees, which are equal to or below the prevailing rates for service as identified in subsection (i), above, either the foregoing message or the following message shall appear.

SERVICE FROM THIS INSTRUMENT IS OFFERED AT RATES WHICH DO NOT EXCEED PREVAILING RATES FOR SERVICE. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

It is a violation of these rules to charge more than the prevailing rate for service from a telephone posted under this provision.

(iii) Posting shall begin within sixty days following the adoption of these rules and shall be completed within ninety days thereafter.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator ~~((so as))~~ without charge to receive specific rate information; and

(iii) Dialing directions to allow the consumer to ~~((dial through the local telephone company))~~ reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide without charge access from every instrument to 911 and the local exchange company operator;

(d) Provide access to 1-800 services and interexchange carriers;

(e) Shall not impose, implement or allow a surcharge for any operator, toll, or local service above the tariffed rates for service, and;

(f) shall not charge more than twenty-five cents for consumer access to local exchange, 1-800 or interexchange carrier service.

~~((2))~~ (5) The alternate operator services company shall:

(a) Identify the AOS company providing the service ~~((or its authorized billing agent))~~ audibly and distinctly at the beginning of every call, and again before the call is connected, including ~~((those handled~~



automatically, and)) an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(ii) Specifically, the following message shall be used at the beginning of the call: "You are using (name of AOS company as registered with the commission)"; the message prior to connection of the call shall say, "Thank you for using (name of AOS company as registered with the Commission)".

(iii) The consumer shall be permitted to terminate the telephone call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer

(A) a quote of the rates or charges for the call, including any surcharge;

(B) the method by which the rates or charges will be collected; and

(C) the methods by which complaints about the rates, charges or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billings from the point of origin of the call. If reorigination is not available, the carrier shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities does not exceed one percent in any given hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to determine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heavy traffic, such as national emergency, local disaster, holidays, etc.

~~((3))~~ (6) The alternate operator services company shall assure that ~~((consumers))~~ persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

~~((4))~~ (7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities:

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller ~~((from))~~ by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the ~~((caller))~~ consumer dials zero (0) and no other digits within five seconds shall be routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

~~((5) Consumer))~~ (8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and disputes.

~~((6))~~ (9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide ~~((consumers with))~~ specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; commissions or fees.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability,

technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by U S WEST Communications for intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than the prevailing operator service charges in the relevant market - intraLATA or interLATA - will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary evidence, the charges for US West for intraLATA service and AT&T for interLATA service will be accepted as the prevailing charges.

(c) Commissions, charges or fees. The charge to the consumer attributable to any commission, location fee, surcharge, or customer charge or fee of any kind for the benefit of a call aggregator may not exceed twenty-five cents for any sent-paid or non sent-paid call, except that no such charge may be added to without-charge calls nor to a charge for directory assistance. A higher fee may be approved by the Commission when necessary for rates which are fair, just and reasonable. The existence of this charge at a location and the basis for its calculation [i.e., per call or percentage of charge] must be clearly posted at the location of the instrument. Except as specified herein, no tariff may provide for rate levels which vary at the option of a call aggregator.

(10) Tariffed rates for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, rate levels of U S WEST for intraLATA service and AT&T for interLATA service will be considered the prevailing rate.

**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.

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

## WSR 91-03-123

### PROPOSED RULES

#### STATE TOXICOLOGIST

[Filed January 23, 1991, 2:25 p.m.]

#### Supplemental Notice to WSR 90-20-050.

Title of Rule: Administration of breath test program, chapters 448-12 and 448-13 WAC.

Purpose: Means by which methods, procedures, equipment, personnel and written protocols are approved by the State Toxicologist for use in the administration of breath tests for alcohol content.

Statutory Authority for Adoption: RCW 46.61.506(3).

Statute Being Implemented: Chapter 46.61 RCW.

Summary: Various aspects of the breath alcohol test program are defined and the provisions which are required to ensure precise, accurate and fair tests are described.

Reasons Supporting Proposal: Administrative and internal policy changes in breath test program in response to the tenor of various district court decisions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry K. Logan,

Ph.D., Harborview Medical Center, Seattle, (206) 223-3536.

Name of Proponent: Barry K. Logan, Ph.D., State Toxicologist, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Following the publication of the initial proposed rules, WSR 90-20-050, and a continuation to adoption, WSR 90-22-087, three hearings have been held at which significant input from the legal and forensic science communities was received. This supplemental notice represents a redraft of proposed rules for the administration of the breath test program in the light of this input.

Proposal Changes the Following Existing Rules: See above explanation.

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

Hearing Location: King County Medical Examiner's Conference Room, 850 Alder Street, Seattle, WA 98104, on February 26, 1991, at 9 a.m.

Submit Written Comments to: State Toxicologist, Harborview Medical Center, ZA-88, 325 9th Avenue, Seattle, WA 98104, by February 26, 1991.

Date of Intended Adoption: February 26, 1991.

January 22, 1991  
Barry K. Logan, Ph.D.  
State Toxicologist

Chapter 448-13 WAC  
ADMINISTRATION OF BREATH TEST PROGRAM

NEW SECTION

WAC 448-13-010 BASIS FOR RULES GOVERNING BREATH TESTING. These rules have been written based on currently accepted scientific principles and practices in the field of breath alcohol testing. They have been formulated to inform the public of the administrative aspects of the state's breath alcohol test program. Technical aspects of breath testing are constantly investigated, discussed, and debated in the scientific literature. The procedures used in the operation of this program may be updated to reflect the consensus in the relevant scientific community. The state toxicologist will provide information on the technical details of any of the currently used procedures upon request pursuant to WAC 448-13-210. The office of the state toxicologist will cooperate fully with the courts in the interpretation of these rules and in providing additional technical information.

NEW SECTION

WAC 448-13-020 APPROVAL OF BREATH TEST INSTRUMENTS. Pursuant to RCW 46.61.506, the BAC Verifier DataMaster is the only infrared breath test instrument approved by the state toxicologist as a device for the measurement of alcohol in a person's breath. A simulator filled with a certified simulator solution will be attached to each instrument to provide a known external standard as defined in WAC 448-13-020(11). The simulator used must be on the National Highway Traffic Safety Administration (NHTSA) conforming products list. Any agency, group, or individual seeking approval or certification from the state toxicologist for the use of other breath test instruments for evidential breath testing programs in the state of Washington should contact the state toxicologist at the address given in WAC 448-13-210.

NEW SECTION

WAC 448-13-030 DEFINITIONS. (1) "Accuracy" means the proximity of a measured value to a reference value.  
(2) "Alcohol" means the unique chemical compound ethyl alcohol.

(3) "Blank test" means the testing of a DataMaster instrument to ensure that no alcohol from a previous test can interfere with a person's breath test.

(4) "Breath alcohol analysis" means analysis of a sample of a person's expired breath, using a breath testing instrument designed for this purpose, which instrument is approved by the state toxicologist, in order to determine the alcohol concentration in that breath sample.

(5) "Breath test document" means the form which is printed by the BAC Verifier DataMaster on the completion of a breath alcohol test.

(6) "Calibration" means the process of standardizing the DataMaster using a certified simulator solution to allow by proportion, the measurement of the alcohol concentration of a person's breath. Calibration will be performed periodically as required and at least once a year during quality assurance.

(7) "Certified" when used in conjunction with breath test personnel means an operator, instructor, solution changer or technician possessing a valid permit.

(8) "Certified simulator solution" means an alcohol/water solution prepared and tested by an approved protocol, and meeting the criteria specified therein.

(9) "Certified test" means a test conducted in accordance with WAC 448-13-040 and 448-13-050. A test which meets these requirements as determined from the breath test document is a certified test.

(10) "Concentration" means the weight amount of alcohol, expressed in grams, contained in two hundred ten liters of breath or alcohol/water vapor.

(11) "Data base" means information collected primarily for the purposes of statistical analysis of patterns of drinking and driving in the state of Washington.

(12) "Data entry" means the process of providing information through a keyboard to the BAC Verifier DataMaster for the purposes of (a) identifying a breath test document to an individual, and (b) statistical analysis.

(13) "External standard test" means the use of a simulator containing a certified simulator solution, to provide a known alcohol vapor concentration to test the accuracy and proper working order of the DataMaster and confirm its calibration at the time of a person's breath test. This test of the function of the DataMaster is performed with every breath test. The external standard test does not calibrate the DataMaster.

(14) "Internal standard test" means the use of a quartz filter to provide a check that the instrument has maintained calibration since the last time calibration was performed and is in proper working order at the time of the test.

(15) "Precision" means the ability of a technique to perform a measurement in a reproducible manner.

(16) "Procedure" and "method" are used interchangeably to indicate a series of steps which, when carried out as directed, constitute the means by which a given task is performed in a reproducible manner.

(17) "Protocol" means the written record of any method or procedure.

(18) "Quality assurance program" means an ongoing program designed to perform preventative maintenance and identify potential defects before they affect the operation of the instrument.

(19) "Simulator" means a device which when filled with a certified simulator solution, maintained at a known temperature, provides a vapor sample of known alcohol concentration.

(20) "Software" means the computer program stored in the DataMaster which allows it to operate.

(21) "Valid breath sample" means a sample of a person's breath provided in such a manner to be accepted for analysis by the BAC Verifier DataMaster.

NEW SECTION

WAC 448-13-040 ADMINISTRATION OF BREATH TEST ON THE BAC VERIFIER DATAMASTER. The following method for performing a breath test is approved by the state toxicologist pursuant to WAC 448-13-120 and includes the following safeguards to be observed by the operator prior to the test being performed. It must be determined that: (1) The person does not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test; and (2) the subject does not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial

by the person that he or she has any foreign substances in mouth. A test mouthpiece is not to be considered a foreign substance for purposes of this section. The temperature of the solution in the simulator prior to the start of the test must be thirty-four degrees centigrade plus or minus 0.2 degrees centigrade. During the test the person will be required to provide at least two valid breath samples. A refusal to provide a valid breath sample at any point during the test will constitute a refusal. The results of the test will be provided in the form of a printout on a breath test document. These results will indicate the grams of alcohol per two hundred ten liters of breath.

#### NEW SECTION

**WAC 448-13-050 TEST DEFINED.** The test of a person's breath for alcohol concentration using the BAC Verifier DataMaster shall consist of the person insufflating end-expiratory air samples at least twice into the instrument, sufficient to allow two separate measurements. There will be sufficient time between the provision of each sample to permit the instrument to measure each sample individually. The two valid breath samples will constitute one test.

The BAC Verifier DataMaster will perform this test according to the following protocol when being employed to measure an individual's breath alcohol concentration. Any test not performed according to the following protocol is not a valid test. Successful compliance with each step of this protocol is determined from an inspection of the breath test document. These steps are necessary to ensure accuracy, precision, and confidence in each test.

- Step 1. Data entry.
- Step 2. Blank test with a result of .00.
- Step 3. Internal standard verified.
- Step 4. First breath sample provided by subject.
- Step 5. Blank test with a result of .00.
- Step 6. External standard simulator solution test. The result of this test must be between .090 and .110 inclusive.
- Step 7. Blank test with a result of .00.
- Step 8. Second breath sample provided by subject.
- Step 9. Blank test with a result of .00.
- Step 10. Printout of results on a breath test document.

#### NEW SECTION

**WAC 448-13-060 VALIDITY AND CERTIFICATION OF TEST RESULTS.** A test shall be a valid test and so certified, if the requirements of WAC 448-13-040 and 448-13-050 are met, and in addition the following criteria for precision and accuracy, as determined solely from the breath test document, are met:

- (1) The internal standard test results in the message "verified."
  - (2) The results of both breath samples are within, and inclusive of, plus or minus ten percent of the average of the two measurements. The upper and lower limits of this range shall be based on a three-digit average and shall be truncated to two digits (e.g., .109 will be read as .10).
  - (3) The simulator external standard result lies between .090 to .110 inclusive.
  - (4) All four blank tests give results of .00.
- If these criteria are met, then these and no other factors are necessary to indicate the proper working order of the instrument, and so certify it, at the time of the breath test.

#### NEW SECTION

**WAC 448-13-070 EXTERNAL STANDARD SIMULATOR SOLUTION.** In order to validate and certify the proper working order of the BAC Verifier DataMaster at the time of a person's breath test, the vapor from a certified external standard simulator solution will be tested, separated by blank tests, between the two valid breath samples provided by the subject per WAC 448-13-050. This test of the vapor from the certified external standard simulator solution concentration, by the infrared technique employed by the BAC Verifier DataMaster, will confirm the certification of the person's test results as they appear on the breath test document, provided that the results of such analysis also meet the criteria of WAC 448-13-060. At such time as the concentration of the vapor from the external standard simulator solution measured by the DataMaster approaches the lower acceptable limit of .090, the solution will be discarded and replaced with a new solution which meets the criteria of WAC 448-13-080. As there is no meaningful way to interpret data resulting from reanalysis of the simulator solution following its removal after use on a DataMaster instrument, collection and reanalysis of such solutions is neither recommended nor

approved by the state toxicologist. The internal standard test conducted with every breath test provides a check that the instrument has remained in calibration while in use in the field.

#### NEW SECTION

**WAC 448-13-080 PREPARATION AND CERTIFICATION OF EXTERNAL STANDARD SIMULATOR SOLUTION.** The external standard simulator solutions shall be prepared by the forensic toxicology staff in the state toxicology laboratory, using standard laboratory procedures, in such a manner that when used in a BAC Verifier DataMaster the external standard test performed as part of a person's breath test pursuant to WAC 448-13-050, will read between .090 and .110 inclusive, at the time of the test. The principle used for the preparation of the simulator solutions is that a 0.123g/100mL solution will give a vapor ethanol concentration at 34°C of 0.100g/210L. The protocol which shall be followed for the preparation and certification of the external standard simulator solution will be that protocol currently approved and authorized by the state toxicologist according to WAC 448-13-120 and conforming to WAC 448-14-010. Details of the currently approved and authorized protocols are available upon request from the office of the state toxicologist. Sworn statements from the analyst regarding the preparation, testing, and certification of the simulator solution are available under the provisions of CrRLJ 6.13.

#### NEW SECTION

**WAC 448-13-090 SOFTWARE.** The software which shall be used in the data collection by, in the operation of, and in the measurements made by the BAC Verifier DataMaster, will be those versions currently approved for use by the state toxicologist. A list of those versions of software currently approved for use can be obtained from the office of the state toxicologist.

#### NEW SECTION

**WAC 448-13-100 USE OF THE DATA BASE ON THE BAC VERIFIER DATAMASTER.** The specific purpose of the data base functions of the BAC Verifier DataMaster is to provide statistical analysis and remote monitoring of the instruments to determine their current operational status. The information contained in the data base is separate from, and does not affect the results of, any individual breath test. All information required to certify a breath test per WAC 448-13-060 is contained in the breath test document. The presence or absence of data base information does not compromise the validity of a breath test certified per WAC 448-13-060.

#### NEW SECTION

**WAC 448-13-110 QUALITY ASSURANCE PROGRAM.** Technicians authorized per WAC 448-13-170 and 448-13-180 shall carry out on a regular periodic basis a quality assurance program which shall include recalibration, and checks of components and function of every BAC Verifier DataMaster instrument used for evidential breath testing purposes in the state of Washington. The protocol which shall be followed for quality assurance will be that protocol currently approved and authorized by the state toxicologist pursuant to WAC 448-13-130.

Upon successfully meeting all the requirements of the quality assurance program, the instrument is approved by the state toxicologist for use over a period of not more than one year, or until such time as one of the following operations is required: Replacement of the central processing unit (CPU) board, replacement of the infrared detector, replacement of the infrared detector block, replacement of the infrared detector board, replacement or updating of the software, disassembly and then reassembly of the sample chamber, or recalibration. On successful completion of the quality assurance procedure the instrument is approved for use for a further one-year period. As the quality assurance procedure includes all the elements of the procedure previously known as "certification," the use of BAC Verifier DataMaster Certification documents described in CrRLJ 6.13 is recommended by the state toxicologist to indicate compliance with this quality assurance program.

#### NEW SECTION

**WAC 448-13-120 BLOOD/BREATH CORRELATION STUDIES.** The state toxicologist neither requires nor recommends that blood/breath correlation studies be conducted as part of the

breath test program in the state of Washington. These studies may be used for experimental purposes to investigate the blood/breath ratio for a particular individual at a given time, but are inappropriate for use to establish or otherwise determine the proper working order of a breath test instrument at any time. Such proper working order will be determined by the use of an external simulator standard, as recommended by the National Highway Traffic Safety Administration (NHTSA), and such other criteria as required under WAC 448-13-040, 448-13-050, and 448-13-060.

#### NEW SECTION

WAC 448-13-130 REVIEW, APPROVAL, AND AUTHORIZATION OF PROTOCOLS OF PROCEDURES AND METHODS BY THE STATE TOXICOLOGIST. The state toxicologist shall review, approve, and authorize such protocols of procedures and methods (of his own promulgation or submitted to him by outside agencies or individuals) required in the administration of the breath test program. Such review, approval, and authorization will be so signified by a signed statement attached to each protocol, and kept on file in the office of the state toxicologist. These protocols will be updated as necessary to maintain the quality of the breath test program in light of new findings in the scientific literature or from peer discussion, or the availability of superior equipment or services. Information concerning currently approved protocols can be obtained on application to the office of the state toxicologist.

#### NEW SECTION

WAC 448-13-140 INSTRUCTORS. The state toxicologist shall certify persons found by him to be competent and qualified, as "instructors." Instructors are authorized to administer breath tests for alcohol concentration using the BAC Verifier DataMaster infrared breath testing instrument and are further authorized to train and certify as operators, according to outlines approved by the state toxicologist, those persons the instructor finds qualified to administer the breath test utilizing the BAC Verifier DataMaster breath test instrument. Details of persons certified as instructors shall be maintained by the state toxicologist and available upon request.

If an instructor fails or refuses to demonstrate to the state toxicologist or to his representative, that they have the ability to adequately perform their responsibilities as an instructor, then the state toxicologist will suspend their permit.

#### NEW SECTION

WAC 448-13-150 OPERATORS. The state toxicologist, or instructors on his behalf, shall certify as "operators" persons found by them to be competent and qualified to administer breath tests for alcohol concentration using the BAC Verifier DataMaster infrared breath testing instrument. Persons who have attended courses in the operation of the BAC Verifier DataMaster infrared breath testing instrument taught by an instructor qualified by the state toxicologist, upon certification of attendance and qualification, shall be designated as "operators." Details of persons so certified shall be maintained by the state toxicologist and available upon request.

If an operator fails or refuses to demonstrate to the state toxicologist or to an instructor certified by the state toxicologist, that he or she has the ability to adequately perform his or her responsibilities as an operator, then the state toxicologist will suspend their permit.

#### NEW SECTION

WAC 448-13-160 SOLUTION CHANGERS. The state toxicologist, or instructors on his behalf, shall certify as "solution changers" operators found by them to be competent and qualified. In addition to being qualified as "operators" these persons must receive approved instruction covering the changing of simulator external standard solutions for the BAC Verifier DataMaster infrared breath testing instrument, taught by an instructor qualified by the state toxicologist. Details of persons so certified shall be maintained by the state toxicologist and available upon request.

If a solution changer fails or refuses to demonstrate to the state toxicologist or to an instructor certified by the state toxicologist, that he or she has the ability to adequately perform his or her responsibilities as a solution changer, then the state toxicologist will suspend their permit.

#### NEW SECTION

WAC 448-13-170 TECHNICIANS. The state toxicologist shall certify as "technicians" such persons found by him to be competent and qualified to maintain the proper working order of the BAC Verifier DataMaster infrared breath testing instrument, through adjustment, repair, and regular service. Further, technicians are authorized by the state toxicologist to perform the procedures approved for periodic quality assurance of the BAC Verifier DataMaster infrared breath testing instruments as required pursuant to WAC 448-13-090. Details of persons so certified shall be maintained by the state toxicologist and available upon request.

If a technician fails or refuses to demonstrate to the state toxicologist or his representative, that he or she has the ability to adequately perform his or her responsibilities as a technician, then the state toxicologist will suspend their permit.

#### NEW SECTION

WAC 448-13-180 PERMIT CARDS. The state toxicologist shall authorize the issuance to persons deemed qualified as "instructors," "operators," "solution changers" or "technicians," a wallet-sized card bearing his or her name and designation. Permit cards shall bear the signature or facsimile signature of the state toxicologist. Such permit cards shall expire three years after the date on the card, unless renewed for a like three-year period.

#### NEW SECTION

WAC 448-13-190 REVIEW, APPROVAL, AND AUTHORIZATION BY THE STATE TOXICOLOGIST OF TRAINING COURSES AND OUTLINES. The state toxicologist shall approve and authorize such courses and course outlines (of his own promulgation or submitted for his consideration by outside agencies or individuals) required in the training of breath test program personnel. Such review, approval, and authorization will be so signified by a signed statement attached to each course outline. These course outlines may be reviewed and updated as necessary to maintain the quality of the breath test program. Instructors are directed to use only approved outlines in conducting the training of operators. Information concerning currently approved course outlines can be obtained on application to the office of the state toxicologist.

#### NEW SECTION

WAC 448-13-200 INFORMATION CONCERNING TECHNICAL ASPECTS OF THE BREATH TEST PROGRAM. Documents used by the state toxicologist and personnel involved in breath testing for the state of Washington, which are available on request include: The breath test document, simulator solution preparation protocol, alcohol analysis protocol, certification document for simulator solution, affidavit from analyst of simulator solution, quality assurance protocol, quality assurance procedure report, affidavit concerning quality assurance procedure, operator course outline, operator refresher course outline, and operator training record. A fee may be charged to cover the cost of providing these copies.

#### NEW SECTION

WAC 448-13-210 ADDRESS FOR CORRESPONDENCE. Persons seeking information regarding currently approved protocols and procedures, or information regarding those persons currently authorized as operators, instructors, solution changers, or technicians for the BAC Verifier DataMaster, shall direct their request to the State Toxicologist, State Toxicology Laboratory, Harborview Medical Center ZA-88, 325 9th Avenue, Seattle, Washington 98104.

#### NEW SECTION

WAC 448-13-220 EFFECTIVE DATE. These provisions, WAC 448-13-010 through and including WAC 448-13-210, will be adopted and in full force and effect for all aspects of the operation of the breath alcohol concentration test program in the state of Washington thirty-one days after the filing of the permanent rules. These new provisions are not retroactive and will not apply to the interpretation of results from any breath test conducted prior to thirty-one days after the filing of the permanent rules.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 448-12-010	BREATHALYZER APPROVED.
WAC 448-12-015	CHECKING OF BREATHALYZER MACHINES.
WAC 448-12-016	CERTIFICATIONS.
WAC 448-12-020	ADMINISTRATION OF BREATHALYZER TEST.
WAC 448-12-030	INSTRUCTORS.
WAC 448-12-040	MAINTENANCE OPERATORS.
WAC 448-12-050	OPERATORS.
WAC 448-12-055	REVIEW OF QUALIFICATIONS.
WAC 448-12-060	PERMIT CARDS.
WAC 448-12-070	COURSE APPROVAL.
WAC 448-12-075	MINIMUM COURSE REQUIREMENTS.
WAC 448-12-080	INSTRUCTION.
WAC 448-12-090	ADDRESS FOR CORRESPONDENCE.
WAC 448-12-100	NAMES OF INSTRUCTORS.
WAC 448-12-210	BAC VERIFIER DATAMASTER, INFRA-RED BREATH TEST INSTRUMENT APPROVED.
WAC 448-12-220	TEST DEFINED.
WAC 448-12-230	ADMINISTRATION OF BREATH TEST ON BAC VERIFIER DATAMASTER INSTRUMENT.
WAC 448-12-240	INSTRUCTORS.
WAC 448-12-250	OPERATORS.
WAC 448-12-260	REVIEW OF QUALIFICATIONS.
WAC 448-12-270	PERMIT CARDS.
WAC 448-12-280	COURSE APPROVAL.
WAC 448-12-290	MINIMUM COURSE REQUIREMENTS.
WAC 448-12-300	INSTRUCTION.
WAC 448-12-320	ADDRESS FOR CORRESPONDENCE.
WAC 448-12-330	NAMES OF INSTRUCTORS.
WAC 448-12-340	EFFECTIVE DATE.

**WSR 91-03-124****PROPOSED RULES****STATE TOXICOLOGIST**

[Filed January 23, 1991, 2:29 p.m.]

**Original Notice.**

Title of Rule: State Toxicologist standards for alcohol analysis in samples other than breath, chapters 448-14 and 448-15 WAC.

Purpose: Revision of regulations for issuance of blood analyst permits; requirements for legal blood alcohol analysis.

Statutory Authority for Adoption: RCW 46.61.506.

Statute Being Implemented: Chapter 46.61 RCW.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry K. Logan, Ph.D., Harborview Medical Center, Seattle, (206) 223-3536.

Name of Proponent: Barry K. Logan, Ph.D., State Toxicologist, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule will change existing 3-year permit for blood alcohol analyst to an annual permit, and implement new requirements for qualification as a blood alcohol analyst permit holder.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: King County Medical Examiner's Office Conference Room, 850 Alder Street, Seattle, WA 98104, on February 26, 1991, at 10 a.m.

Submit Written Comments to: State Toxicologist, Harborview Medical Center, ZA-88, 325 9th Avenue, Seattle, WA 98104, by February 26, 1991.

Date of Intended Adoption: February 26, 1991.

January 22, 1991

Barry K. Logan, Ph.D.

State Toxicologist

**Chapter 448-15 WAC****STATE TOXICOLOGIST STANDARDS FOR ALCOHOL ANALYSIS IN SAMPLES OTHER THAN BREATH****NEW SECTION**

WAC 448-15-010 DEFINITIONS. The definitions listed in WAC 448-13-020 shall apply.

**NEW SECTION**

WAC 448-15-020 APPROVAL OF METHODS FOR THE ANALYSIS OF BLOOD, URINE AND AQUEOUS SAMPLES FOR ALCOHOL. Any quantitative method for the analysis of alcohol which meets the criteria of WAC 448-15-040 is approved by the state toxicologist for use in the state of Washington. This shall include, but not be limited to; gas chromatography (GC) using either headspace or direct injection techniques, enzymatic methods, enzyme multiplied immunoassay technique (EMIT), distillation/titration methods, oxidimetric, and colorimetric methods.

Analysis of urine for the estimation of blood alcohol concentration is not approved by the state toxicologist for use in the state of Washington.

**NEW SECTION**

WAC 448-15-030 AUTHORIZATION TO CONDUCT BLOOD ALCOHOL ANALYSIS FOR MEDICO-LEGAL OR EVIDENTIAL PURPOSES. Authorization to conduct blood alcohol analysis for medico-legal or evidential purposes will be granted to individuals found by the state toxicologist to be competent and who meet the following requirements.

(1) Minimum educational qualifications for the issuance by the state toxicologist of a blood alcohol analyst permit shall include fundamental analytical chemistry at college level with a minimum of five quarter hours of quantitative chemistry laboratory or equivalent, with a passing grade. Evidence of educational level shall be provided to the state toxicologist in the form of transcripts from the granting institution, or in a sworn and notarized statement, made under penalty of perjury.

(2) A blood alcohol analyst permit will be issued to each person found by the state toxicologist to be qualified. The state toxicologist may hold written, oral, and/or practical examinations to aid in judging qualifications or applicants.

(3) The applicant shall test samples submitted to him/her by the state toxicologist for alcohol concentration. The results of these tests shall be returned to the office of the state toxicologist postmarked within ten working days of receipt. The average result for each sample must not differ from the reference value determined by the state toxicology laboratory by more than 0.01 g/100mL.

(4) Analysts shall participate in an internal quality control program whereby on a regular basis and at least twice a year, they receive and analyze blind samples from an independent source. The analyst shall provide evidence of such participation at the time of application, and maintain records of such participation which shall be available to the state toxicologist upon request. Details of suitable quality control programs may be obtained from the office of the state toxicologist.

(5) If an individual fails or refuses to comply with any of the terms described under chapter 448-15 WAC his authorization may be suspended or revoked at any time by the state toxicologist.

This authorization shall be valid for one year and may be renewed annually on successful reapplication.

**NEW SECTION**

WAC 448-15-040 APPROVAL OF METHODS FOR BLOOD ALCOHOL ANALYSIS. The methodology used for the determination of blood alcohol concentration must be generally accepted in the scientific community, as being suitable for that purpose. The extent to which a method meets this standard will be determined by the state toxicologist. On application for certification the analyst will provide a copy of each laboratory protocol to be used by him/her for blood alcohol analysis, for review by the state toxicologist. This protocol should include information about the technique used, reagents required, operational discipline, and the procedure for calibrating the technique, and quality control provisions.

Minimum requirements that the method must meet are as follows.

- (1) The analytical procedure shall include a control test, a blank test, and duplicate analysis of each positive sample.
- (2) The analytical procedure shall not be susceptible to interference from substances normally present in human blood, or other substances present in the sample such as therapeutics or preservatives.
- (3) The analytical procedure shall be able to distinguish qualitatively between ethanol, other homologous alcohols, and acetone.
- (4) The analytical procedure shall be capable of duplicate analyses such that consecutive tests on the same sample conducted on the same date agree with a difference of not more than plus or minus 0.01g/100mL of the average value of the tests.
- (5) The analytical procedure shall include a provision for the homogenization of samples showing visible evidence of clotting prior to aliquoting for analysis.

**NEW SECTION**

WAC 448-15-050 REPORTING PROCEDURE. The results obtained by an authorized analyst using an approved procedure will be suitable for consideration as evidence in courts or hearings. The results will be reported as follows.

- (1) The results should be expressed as percent by weight of alcohol in blood in units of "g/100mL." The equivalent units "%" or "g%" are also acceptable.
- (2) The results of the duplicate analysis should be measured to three decimal places and the average taken. The third digit from the average will then be truncated and the result reported to two decimal places.
- (3) Any procedure approved for blood alcohol analysis may also be used for plasma or serum alcohol concentration determination. Plasma or serum alcohol concentrations may be converted to blood concentrations by dividing the three decimal place duplicate average by 1.18, and reporting the result truncated to two decimal places.
- (4) Blood alcohol results on samples from live subjects of less than 0.01g/100mL will be reported as negative.
- (5) Blood alcohol results on post mortem samples of less than 0.02g/100mL will be reported as negative.
- (6) The report shall include information as to the type of tube or container in which the sample was received.

**NEW SECTION**

WAC 448-15-060 PERMIT CARDS. Authorization by the state toxicologist to perform blood alcohol analysis for medico-legal or evidential purposes will be indicated by the issuance of a wallet sized card bearing the name of the permit holder, the technique(s) which that analyst is authorized to use, the date of expiration and the signature of the state toxicologist. This card shall remain the property of the state toxicologist and shall be returned immediately upon demand.

**NEW SECTION**

WAC 448-15-070 PRESERVATION OF BLOOD SAMPLES. Samples will be drawn and stored in such a way as to facilitate their preservation and analysis. This may include the use of tubes containing anticoagulants and enzyme poisons such as potassium oxalate and sodium fluoride, and the refrigeration of samples when practical. Samples showing evidence of coagulation may still be analyzed for alcohol content, providing they are first homogenized.

**NEW SECTION**

WAC 448-15-080 EXISTING PERMITS. These provisions will be effective thirty-one days after the filing of the permanent rules. All blood alcohol permits issued prior to the effective date will become invalid after December 31, 1991.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 448-14-010 CRITERIA FOR APPROVED METHODS OF QUANTITATIVE ANALYSIS OF BLOOD SAMPLES FOR ALCOHOL.
- WAC 448-14-020 OPERATIONAL DISCIPLINE OF BLOOD SAMPLES FOR ALCOHOL.
- WAC 448-14-030 QUALIFICATIONS FOR A BLOOD ALCOHOL ANALYST.

**WSR 91-03-125  
PROPOSED RULES  
OFFICE OF THE  
SECRETARY OF STATE**  
[Filed January 23, 1991, 2:51 p.m.]

**Original Notice.**

Title of Rule: Chapter 434-42 WAC, Public record address information protection.

Purpose: This rule provides for the implementation of a program to withhold disclosure from public records of the work and home addresses of endangered persons.

Statutory Authority for Adoption: RCW 42.17.310(bb).

Statute Being Implemented: RCW 42.17.310-[42.17].311.

Summary: This rule provides the procedure to be followed in identifying and protecting the confidentiality of address information in public records for endangered persons.

Reasons Supporting Proposal: This rule is promulgated pursuant to RCW 42.17.310-[42.17].311, as amended by chapter 1, Laws of 1990 2nd ex.sess., and is intended to provide administrative procedures for implementing that statute.

Name of Agency Personnel Responsible for Drafting and Implementation: Pamela R. Davenport, Legislative Building, 586-4477; and Enforcement: Attorney General, Highways-Licenses Building, 753-6200.

Name of Proponent: Office of the Secretary of State, 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 rule is to provide for a public record address information confidentiality program for individuals whose lives, physical safety or property is endangered. The rule lists qualifications of applicants, contents of an application, application procedures, certification and notification processes, provision of access to protected records between agencies and by businesses, service of process procedures, applicants' absentee voting privileges, and the confidentiality of program administration records.

Proposal does not change existing rules.

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

Hearing Location: Auditorium, First Floor, General Administration Building, Capitol Campus, Olympia,

Washington 98504, on February 26, 1991, Tuesday, at 8:00-9:30 a.m.

Submit Written Comments to: Pamela R. Davenport, Administrative Assistant, Office of the Secretary of State, Legislative Building, Olympia, AS-22, by February 26, 1991.

Date of Intended Adoption: February 27, 1991.

January 23, 1991

Donald F. Whiting  
Assistant Secretary of State

#### NEW SECTION

WAC 434-42-900 INTENT. The purpose of these regulations is to provide the administrative procedures necessary to implement chapter 256, Laws of 1990, and to provide an orderly means of identifying and protecting the confidentiality of information in public records under that law.

#### NEW SECTION

WAC 434-42-905 DEFINITIONS. For the purposes of this chapter,

(1) "Address" means the work or home street address of an individual, as specified by that individual or the parent or guardian of that individual on the application provided for under WAC 434-42-910 and 434-42-915.

(2) "Work address" means the street address of an individual's place of employment or the school or daycare facility in which they are enrolled.

(3) "Applicant" means the individual who has submitted a valid, written application, or on behalf of whom a valid, written application has been submitted by a parent or guardian, for restriction of public access to address information in public records and who has received a certificate under WAC 434-42-950.

(4) "Certificate" means the document issued by the Secretary of State to an applicant following submission of a valid, written application, attesting to the applicant's right to receive public record address information protection.

(5) "Furnished with a request" means presentation by an applicant, or her or his parent or guardian, of a valid certificate to an agency and request that the agency not disclose the applicant's address when responding to public requests for public record disclosure.

(6) "Protected record" means the applicant's address information in a public record for which protection from public disclosure has been requested as specified in WAC 434-42-915.

(7) "Business" means a financial or commercial entity, real estate company, mortgage company or title insurance company:

(a) Involved in the transfer, sale or purchase of real property; and

(b) Licensed to operate in the state of Washington and possessing a valid Washington master business license; or

(c) For businesses not authorized to do business in this state, possessing an unexpired business license issued by the out-of-state jurisdiction where the business entity is authorized to do business.

(8) "Information-access agreement" means a written agreement entered into by a state or local agency and another agency or a business for the purpose of providing access to a protected record and shall include, but not be limited to, the establishment of a specific period of time during which the agreement shall be in effect, the designation by the record-receiving entity of an individual authorized to receive protected record information, and any additional elements specified in WAC 434-42-960 and 434-42-965.

#### NEW SECTION

WAC 434-42-910 APPLICANT QUALIFICATIONS. An agency responding to a request for disclosure of a public record shall withhold from public inspection and copying either the address of an applicant or the name of an applicant in connection with her or his address if the applicant, or the parent or guardian on behalf of the applicant has:

(1) Applied in writing on a standard application form to the secretary of state for restriction of public access to the address information specified on the application, and the application includes all the information and signatures required under WAC 434-42-915;

(2) Affirmed that public disclosure of the applicant's address would endanger the applicant's life, physical safety, or property;

(3) Designated the secretary of state as the applicant's agent for purposes of service of process; and

(4) Presented the agency with a valid certificate and requested record protection.

#### NEW SECTION

WAC 434-42-915 CONTENTS OF AN APPLICATION. (1) An applicant, or her or his parent or guardian, may request that the applicant's home and work addresses not be made available for public inspection or copying under the provisions of this chapter and Chapter 256, Laws of 1990, by submitting the following information on a standard application form to the office of the secretary of state:

(a) A designation of the name and street addresses for which protection is being requested;

(b) Any personal information which will assist the office of the secretary of state in identifying the applicant and the public records for which protection is requested;

(c) An affirmation that public disclosure of the applicant's address would endanger her or his life, physical safety, or property;

(d) A designation of the secretary of state as the agent for service of process for the applicant;

(e) A designation of a mailing address, if that address is different from any of the addresses under WAC 434-42-915(1);

(f) The date on which the application was signed;

(g) The signature of the applicant, or the parent or guardian of the applicant; and

(h) The signature of the application assistant designated under WAC 434-42-940 who assisted in the preparation of the application.

(2) An application shall be denied if the applicant, or her or his parent or guardian, does not provide all information, designations, and signatures requested by the secretary of state.

(3) A change in the name of the applicant shall invalidate the application. A change in the home or work address for which protection has been requested under WAC 434-42-910 and 434-42-915 shall invalidate the application with respect to the address or addresses which are no longer current. An applicant must immediately notify the office of the secretary of state of an address change. Otherwise, an application shall remain in effect until withdrawn by the applicant or terminated under WAC 434-42-915(4).

(4) A properly completed and executed application filed with the secretary of state shall continue in effect for four years following its date of filing with the secretary of state unless withdrawn or invalidated before that date.

#### NEW SECTION

WAC 434-42-920 DESIGNATION OF THE SECRETARY OF STATE TO SERVE AS AGENT. The secretary of state shall be designated on the application form as agent of the applicant for purposes of service of process.

#### NEW SECTION

WAC 434-42-925 OATH. In making a request for confidentiality of address under chapter 256, Laws of 1990, the applicant, or her or his parent or guardian, shall attest under oath that disclosure of this information would endanger the applicant's life, physical safety, or property.

#### NEW SECTION

WAC 434-42-930 PENALTY. Any person who knowingly falsifies information in an application, or falsely attests that disclosure of address information would endanger an applicant's life, physical safety, or property, shall be punishable under RCW 40.16.030 or other applicable statutes.

#### NEW SECTION

WAC 434-42-935 STANDARD APPLICATION FORM. The office of the secretary of state shall provide upon request a preprinted form which includes space for all of the information required or requested under WAC 434-42-915 through 434-42-925.



NEW SECTION

WAC 434-42-940 APPLICATION ASSISTANTS. The secretary of state may designate individual state and local agencies and nonprofit agencies which provide counseling and shelter services to victims of domestic violence to assist individuals in the completion of their applications. The secretary of state will distribute standard application forms to designated individuals who volunteer to serve as application assistants. An application assistant will provide information on the administration of chapter 256, Laws of 1990, assist an individual in reading directions and filling out an application form, co-sign the application form and mail the application to the secretary of state. Any assistance and counseling rendered by the office of the secretary of state or its designees to applicants shall in no way be construed as legal advice.

NEW SECTION

WAC 438-42-945 SUBMISSION OF APPLICATIONS. (1) An application may be submitted under this chapter to the secretary of state by mail or in person at the following address: Public Records Address Protection Program, Archives & Records Management Division, 12th Avenue and Washington Streets (EA-11), Olympia, WA 98504-0418.

(2) An application may be transmitted to the office of the secretary of state by an application assistant at the request of an applicant.

NEW SECTION

WAC 434-42-950 CERTIFICATION AND NOTIFICATION. (1) Upon receipt of a properly executed application, the secretary of state shall provide the applicant with a certificate attesting to her or his right to receive public record address information protection.

(2) An applicant, or her or his parent or guardian, shall present the certificate to an agency that has public record address information about the applicant and request confidentiality of the applicant's protected record.

(3) An agency shall acknowledge certificate presentation by:

(a) Completing the appropriate entries on the agency roster of the certificate;

(b) Filing a copy of the certificate with their agency and noting the applicant's protected record status on all public records containing information about the applicant;

(c) Forwarding a copy of the certificate's agency roster to the Public Records Information Protection Program, Division of Archives & Records Management, Office of the Secretary of State;

(d) Returning the certificate to the applicant, or her or his parent or guardian; and

(e) Withholding an applicant's protected record when responding to requests for public record disclosure throughout the term of the certificate.

(4) An agency shall inform the applicant, or her or his parent or guardian, of any existing information-access agreements and the potential of such future agreements, under which the applicant's protected records may be accessed.

(5) An agency is liable for damages resulting from that agency's unauthorized disclosure of a protected record.

NEW SECTION

WAC 434-42-955 AGENCY USE OF PROTECTED RECORDS. An agency may use the address of an applicant where that information is required for the administration of agency responsibilities or in the conduct of the statutory duties of the agency and only when that use does not result in public access to that information.

NEW SECTION

WAC 434-42-960 PROTECTED RECORD ACCESS BY AGENCIES. (1) When an agency provides access by another agency to a protected record:

(a) The agency providing protected records shall notify the agency receiving the protected records of any restriction on public access to those records under WAC 434-42-910; and

(b) The agency receiving the protected records shall restrict public access to the address and name information as provided under WAC 434-42-910.

(2) At the time an applicant, or her or his parent or guardian, notifies an agency of the applicant's request for address protection, the

agency shall inform the applicant, or her or his parent or guardian, of any current or potential information-access agreement under which the applicant's records could be accessed.

NEW SECTION

WAC 434-42-965 PROTECTED RECORD ACCESS BY BUSINESS. When an agency provides access by a business to a protected record, the agency providing the protected records and the business receiving the protected records shall execute a written information-access agreement under which:

(1) The business requesting the protected record shall specify in writing the purpose or purposes for which the protected record is requested and shall affirm that the protected record will be used for no purpose other than those stated in the request;

(2) The purpose or purposes for which the protected record is requested shall not be contrary to maintaining an applicant's safety and the confidentiality of her or his location;

(3) The remedies and assumption of liability are specified for injury or threat of injury as a consequence of an authorized disclosure of protected records by the business;

(4) The agency providing the protected record shall:

(a) Have authority to conduct a background check on the business, and verify the accuracy of all information related to the business's public record disclosure request, before deciding whether or not to enter into an information-access agreement with the business;

(b) Notify the business receiving the protected record about any restrictions on public access to that protected record under WAC 434-42-910; and

(c) At the time an applicant, or her or his parent or guardian, notifies an agency of the applicant's request for address protection, the agency shall inform the applicant, or her or his parent or guardian, of any current or potential information-access agreement under which the applicant's records could be accessed;

(5) The agency providing the protected record shall retain a copy of the request for public records and the executed information-access agreement for five years following the termination of the information-access agreement and for whatever additional period of time is required under laws governing retention of public records;

(6) A business entering into an information-access agreement with an agency under this section shall also:

(a) Provide the signature, full legal name, and address of the authorized representative of the business entering into the information-access agreement;

(b) Acknowledge and affirm in the information-access agreement that the protected record covered by that agreement is being requested and used solely for the proprietary use of that business;

(c) Acknowledge and affirm in the information-access agreement that a protected record received under that agreement will not be disclosed to any individual or business not listed in the agreement; and

(d) Allow and cooperate with any agency or agency-designee review or evaluation of the activities of that business as necessary to ensure compliance with the information-access agreement and any limitations imposed on the use of the protected record received under that agreement;

(6) The use of any intentionally inaccurate or false representation to obtain protected records from an agency under this section or the use of protected records received from an agency for any purpose other than that stated in the information-access agreement executed between an agency and a business shall subject the offending business, whose liability has been judicially determined, to remedies and liabilities as provided in WAC 434-42-965(3);

(7) If the use of protected records by the business that receives it is found to be in violation of any of the provisions of WAC 434-42-900 through 434-42-985 or in violation of the provisions of the information-access agreement between that agency and the business that receives the information, and agency may:

(a) Suspend or revoke an agreement to provide access to protected records under this section; and

(b) Restrict future protected record access through agreements until there is proof that corrective action has been taken to ensure compliance with the provisions of WAC 434-42-900 through 434-42-985.

**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 434-42-970 REQUESTS FOR COPIES OF PUBLIC RECORDS. If an agency is unable to provide confidentiality for a protected record as required by chapter 256, Laws of 1990, or provide access to or copies of other information requested from that record when it responds to a request for access to or a copy of a public record, the agency may refuse to provide access to or a copy of the entire record as otherwise required by law.

NEW SECTION

WAC 434-42-975 ABSENTEE VOTING. An applicant who is otherwise qualified and registered to vote at the address on her or his certificate may, upon application to the appropriate county auditor, receive absentee ballots for all elections held more than thirty days after the date of that application in the jurisdictions for which that individual is registered to vote in the same manner as an absentee voter who qualified under RCW 29.36.013. The county auditor shall transmit the absentee ballots to the applicant at whatever address the applicant has designated in her or his request for an absentee ballot. If that address is one for which protection has been requested under WAC 434-42-910 AND 434-42-915, the name and address shall not be included in any list required to be provided under RCW 29.04.100, 29.04.110, 29.07.151(2), 29.07.170, 29.07.220, or 29.36.097.

NEW SECTION

WAC 434-42-980 SERVICE OF PROCESS. (1) The secretary of state shall be an agent of the applicant upon whom any summons, writ, notice, demand or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice or process shall be made by delivering to and leaving with the public records address protection program administrator in the division of archives and records management of the office of the secretary of state:

- (a) Two copies of the summons, writ, notice, demand or process; and
- (b) \$25.00 service-of-process fee for each action or document filed.

(3) In the event any such summons, writ, notice, demand or process is served on the secretary of state, the secretary of state shall immediately cause a copy thereof to be forwarded by the applicant at the current address as shown on the records of the secretary of state. Verification of receipt by certified mail shall effect service.

(4) The secretary of state shall keep a record of all summons, writs, notices, demands, and processes served upon the secretary of state under this section, and shall record therein the time of such service and the secretary of state's action with reference thereto.

NEW SECTION

WAC 434-42-985 CONFIDENTIALITY OF RECORDS RELATING TO THE ADMINISTRATION OF CHAPTER 256, LAWS OF 1990. All public records containing an applicant's name and address used in the administration of chapter 256, Laws of 1990, shall be unavailable for public inspection and copying. Requests from state or local agencies for access to protected records shall be made in writing.

**WSR 91-03-126  
EMERGENCY RULES  
OFFICE OF THE  
SECRETARY OF STATE**

[Filed January 23, 1991, 2:54 p.m., effective March 1, 1991]

Date of Adoption: January 23, 1991.

Purpose: This rule provides for the implementation of a program to withhold disclosure from public records of the work and home address information of endangered persons.

Statutory Authority for Adoption: RCW 42.17.310(bb).

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: Requirements of RCW 42.17.310(bb) become effective on March 1, 1991, and the proposed rule is necessary to provide for this measure's implementation.

Effective Date of Rule: March 1, 1991.

January 23, 1991  
Donald F. Whiting  
Assistant Secretary of State

NEW SECTION

WAC 434-42-900 INTENT. The purpose of these regulations is to provide the administrative procedures necessary to implement chapter 256, Laws of 1990, and to provide an orderly means of identifying and protecting the confidentiality of information in public records under that law.

NEW SECTION

WAC 434-42-905 DEFINITIONS. For the purposes of this chapter,

(1) "Address" means the work or home street address of an individual, as specified by that individual or the parent or guardian of that individual on the application provided for under WAC 434-42-910 and 434-42-915.

(2) "Work address" means the street address of an individual's place of employment or the school or day-care facility in which they are enrolled.

(3) "Applicant" means the individual who has submitted a valid, written application, or on behalf of whom a valid, written application has been submitted by a parent or guardian, for restriction of public access to address information in public records and who has received a certificate under WAC 434-42-950.

(4) "Certificate" means the document issued by the Secretary of State to an applicant following submission of a valid, written application, attesting to the applicant's right to receive public record address information protection.

(5) "Furnished with a request" means presentation by an applicant, or her or his parent or guardian, of a valid certificate to an agency and request that the agency not disclose the applicant's address when responding to public requests for public record disclosure.

(6) "Protected record" means the applicant's address information in a public record for which protection from public disclosure has been requested as specified in WAC 434-42-915.

(7) "Business" means a financial or commercial entity, real estate company, mortgage company or title insurance company:

(a) Involved in the transfer, sale or purchase of real property, and

(b) Licensed to operate in the state of Washington and possessing a valid Washington master business license; or

(c) For businesses not authorized to do business in this state, possessing an unexpired business license issued by the out-of-state jurisdiction where the business entity is authorized to do business.

(8) "Information-access agreement" means a written agreement entered into by a state or local agency and another agency or a business for the purpose of providing access to a protected record and shall include, but not be limited to, the establishment of a specific period of time during which the agreement shall be in effect, the designation by the record-receiving entity of an individual authorized to receive protected record information, and any additional elements specified in WAC 434-42-960 and 434-42-965.

#### NEW SECTION

WAC 434-42-910 **APPLICANT QUALIFICATIONS.** An agency responding to a request for disclosure of a public record shall withhold from public inspection and copying either the address of an applicant or the name of an applicant in connection with her or his address if the applicant, or the parent or guardian on behalf of the applicant has:

(1) Applied in writing on a standard application form to the secretary of state for restriction of public access to the address information specified on the application, and the application includes all the information and signatures required under WAC 434-42-915;

(2) Affirmed that public disclosure of the applicant's address would endanger the applicant's life, physical safety, or property;

(3) Designated the secretary of state as the applicant's agent for purposes of service of process; and

(4) Presented the agency with a valid certificate and requested record protection.

#### NEW SECTION

WAC 434-42-915 **CONTENTS OF AN APPLICATION.** (1) An applicant, or her or his parent or guardian, may request that the applicant's home and work addresses not be made available for public inspection or copying under the provisions of this chapter and Chapter 256, Laws of 1990, by submitting the following information on a standard application form to the office of the secretary of state:

(a) A designation of the name and street addresses for which protection is being requested;

(b) Any personal information which will assist the office of the secretary of state in identifying the applicant and the public records for which protection is requested;

(c) An affirmation that public disclosure of the applicant's address would endanger her or his life, physical safety, or property;

(d) A designation of the secretary of state as the agent for service of process for the applicant;

(e) A designation of a mailing address, if that address is different from any of the addresses under WAC 434-42-915(1);

(f) The date on which the application was signed;

(g) The signature of the applicant, or the parent or guardian of the applicant; and

(h) The signature of the application assistant designated under WAC 434-42-940 who assisted in the preparation of the application.

(2) An application shall be denied if the applicant, or her or his parent or guardian, does not provide all information, designations, and signatures requested by the secretary of state.

(3) A change in the name of the applicant shall invalidate the application. A change in the home or work address for which protection has been requested under WAC 434-42-910 and 434-42-915 shall invalidate the application with respect to the address or addresses which are no longer current. An applicant must immediately notify the office of the secretary of state of an address change. Otherwise, an application shall remain in effect until withdrawn by the applicant or terminated under WAC 434-42-915(4).

(4) A properly completed and executed application filed with the secretary of state shall continue in effect for four years following its date of filing with the secretary of state unless withdrawn or invalidated before that date.

#### NEW SECTION

WAC 434-42-920 **DESIGNATION OF THE SECRETARY OF STATE TO SERVE AS AGENT.** The secretary of state shall be designated on the application form as agent of the applicant for purposes of service of process.

#### NEW SECTION

WAC 434-42-925 **OATH.** In making a request for confidentiality of address under chapter 256, Laws of 1990, the applicant, or her or his parent or guardian, shall attest under oath that disclosure of this information would endanger the applicant's life, physical safety, or property.

#### NEW SECTION

WAC 434-42-930 **PENALTY.** Any person who knowingly falsifies information in an application, or falsely attests that disclosure of address information would endanger an applicant's life, physical safety, or property, shall be punishable under RCW 40.16.030 or other applicable statutes.

#### NEW SECTION

WAC 434-42-935 **STANDARD APPLICATION FORM.** The office of the secretary of state shall provide upon request a preprinted form which includes space for all of the information required or requested under WAC 434-42-915 through 434-42-925.

NEW SECTION

**WAC 434-42-940 APPLICATION ASSISTANTS.** The secretary of state may designate individual state and local agencies and nonprofit agencies which provide counseling and shelter services to victims of domestic violence to assist individuals in the completion of their applications. The secretary of state will distribute standard application forms to designated individuals who volunteer to serve as application assistants. An application assistant will provide information on the administration of chapter 256, Laws of 1990, assist an individual in reading directions and filling out an application form, co-sign the application form and mail the application to the secretary of state. Any assistance and counseling rendered by the office of the secretary of state or its designees to applicants shall in no way be construed as legal advice.

NEW SECTION

**WAC 434-42-945 SUBMISSION OF APPLICATIONS.** (1) An application may be submitted under this chapter to the secretary of state by mail or in person at the following address: Public Records Address Protection Program, Archives & Records Management Division, 12th Avenue and Washington Streets (EA-11), Olympia, WA 98504-0418.

(2) An application may be transmitted to the office of the secretary of state by an application assistant at the request of an applicant.

NEW SECTION

**WAC 434-42-950 CERTIFICATION AND NOTIFICATION.** (1) Upon receipt of a properly executed application, the secretary of state shall provide the applicant with a certificate attesting to her or his right to receive public record address information protection.

(2) An applicant, or her or his parent or guardian, shall present the certificate to an agency that has public record address information about the applicant and request confidentiality of the applicant's protected record.

(3) An agency shall acknowledge certificate presentation by:

(a) Completing the appropriate entries on the agency roster of the certificate;

(b) Filing a copy of the certificate with their agency and noting the applicant's protected record status on all public records containing information about the applicant;

(c) Forwarding a copy of the certificate's agency roster to the Public Records Information Protection Program, Division of Archives & Records Management, Office of the Secretary of State;

(d) Returning the certificate to the applicant, or her or his parent or guardian; and

(e) Withholding an applicant's protected record when responding to requests for public record disclosure throughout the term of the certificate.

(4) An agency shall inform the applicant, or her or his parent or guardian, of any existing information-access

agreements and the potential of such future agreements, under which the applicant's protected records may be accessed.

(5) An agency is liable for damages resulting from that agency's unauthorized disclosure of a protected record.

NEW SECTION

**WAC 434-42-955 AGENCY USE OF PROTECTED RECORDS.** An agency may use the address of an applicant where that information is required for the administration of agency responsibilities or in the conduct of the statutory duties of the agency and only when that use does not result in public access to that information.

NEW SECTION

**WAC 434-42-960 PROTECTED RECORD ACCESS BY AGENCIES.** (1) When an agency provides access by another agency to a protected record:

(a) The agency providing protected records shall notify the agency receiving the protected records of any restriction on public access to those records under WAC 434-42-910; and

(b) The agency receiving the protected records shall restrict public access to the address and name information as provided under WAC 434-42-910.

(2) At the time an applicant, or her or his parent or guardian, notifies an agency of the applicant's request for address protection, the agency shall inform the applicant, or her or his parent or guardian, of any current or potential information-access agreement under which the applicant's records could be accessed.

NEW SECTION

**WAC 434-42-965 PROTECTED RECORD ACCESS BY BUSINESS.** When an agency provides access by a business to a protected record, the agency providing the protected records and the business receiving the protected records shall execute a written information-access agreement under which:

(1) The business requesting the protected record shall specify in writing the purpose or purposes for which the protected record is requested and shall affirm that the protected record will be used for no purpose other than those stated in the request;

(2) The purpose or purposes for which the protected record is requested shall not be contrary to maintaining an applicant's safety and the confidentiality of her or his location;

(3) The remedies and assumption of liability are specified for injury or threat of injury as a consequence of unauthorized disclosure of protected records by the business;

(4) The agency providing the protected record shall:

(a) Have authority to conduct a background check on the business, and verify the accuracy of all information related to the business's public record disclosure request, before deciding whether or not to enter into an information-access agreement with the business;

(b) Notify the business receiving the protected record about any restrictions on public access to that protected record under WAC 434-42-910; and

(c) At the time an applicant, or her or his parent or guardian, notifies an agency of the applicant's request for address protection, the agency shall inform the applicant, or her or his parent or guardian, of any current or potential information-access agreement under which the applicant's records could be accessed;

(5) The agency providing the protected record shall retain a copy of the request for public records and the executed information-access agreement for five years following the termination of the information-access agreement and for whatever additional period of time is required under laws governing retention of public records;

(6) A business entering into an information-access agreement with an agency under this section shall also;

(a) Provide the signature, full legal name, and address of the authorized representative of the business entering into the information-access agreement;

(b) Acknowledge and affirm in the information-access agreement that the protected record covered by that agreement is being requested and used solely for the proprietary use of that business;

(c) Acknowledge and affirm in the information-access agreement that a protected record received under that agreement will not be disclosed to any individual or business not listed in the agreement; and

(d) Allow and cooperate with any agency or agency-designee review or evaluation of the activities of that business as necessary to ensure compliance with the information-access agreement and any limitations imposed on the use of the protected record received under that agreement;

(6) The use of any intentionally inaccurate or false representation to obtain protected records from an agency under this section or the use of protected records received from an agency for any purpose other than that stated in the information-access agreement executed between an agency and a business shall subject the offending business, whose liability has been judicially determined, to remedies and liabilities as provided in WAC 434-42-965(3);

(7) If the use of protected records by the business that receives it is found to be in violation of any of the provisions of WAC 434-42-900 through 434-42-985 or in violation of the provisions of the information-access agreement between that agency and the business that receives the information, and agency may:

(a) Suspend or revoke an agreement to provide access to protected records under this section; and

(b) Restrict future protected record access through agreements until there is proof that corrective action has been taken to ensure compliance with the provisions of WAC 434-42-900 through 434-42-985.

**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 434-42-970 REQUESTS FOR COPIES OF PUBLIC RECORDS.** If an agency is unable to provide confidentiality for a protected record as required by chapter 256, Laws of 1990, or provide access to or copies of other information requested from that record when it responds to a request for access to or a copy of a public record, the agency may refuse to provide access to or a copy of the entire record as otherwise required by law.

#### NEW SECTION

**WAC 434-42-975 ABSENTEE VOTING.** An applicant who is otherwise qualified and registered to vote at the address on her or his certificate may, upon application to the appropriate county auditor, receive absentee ballots for all elections held more than thirty days after the date of that application in the jurisdictions for which that individual is registered to vote in the same manner as an absentee voter who qualified under RCW 29.36.013. The county auditor shall transmit the absentee ballots to the applicant at whatever address the applicant has designated in her or his request for an absentee ballot. If that address is one for which protection has been requested under WAC 434-42-910 AND 434-42-915, the name and address shall not be included in any list required to be provided under RCW 29.04.100, 29.04.110, 29.07.151(2), 29.07.170, 29.07.220, or 29.36.097.

#### NEW SECTION

**WAC 434-42-980 SERVICE OF PROCESS.** (1) The secretary of state shall be an agent of the applicant upon whom any summons, writ, notice, demand or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice or process shall be made by delivering to and leaving with the public records address protection program administrator in the division of archives and records management of the office of the secretary of state:

(a) Two copies of the summons, writ, notice, demand or process; and

(b) \$25.00 service-of-process fee for each action or document filed.

(3) In the event any such summons, writ, notice, demand or process is served on the secretary of state, the secretary of state shall immediately cause a copy thereof to be forwarded by the applicant at the current address as shown on the records of the secretary of state. Verification of receipt by certified mail shall effect service.

(4) The secretary of state shall keep a record of all summons, writs, notices, demands, and processes served upon the secretary of state under this section, and shall record therein the time of such service and the secretary of state's action with reference thereto.

#### NEW SECTION

**WAC 434-42-985 CONFIDENTIALITY OF RECORDS RELATING TO THE ADMINISTRATION**

*OF CHAPTER 256, LAWS OF 1990. All public records containing an applicant's name and address used in the administration of chapter 256, Laws of 1990, shall be unavailable for public inspection and copying. Requests from state or local agencies for access to protected records shall be made in writing.*

**WSR 91-03-127**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 23, 1991, 3:18 p.m.]

**Original Notice.**

**Title of Rule:** Chapter 338-150 WAC, Minimum licensing requirements for child day care centers.

**Purpose:** The amendatory rules contain the titles for seven sections. These section headings were incorrectly labelled in the original rules.

**Statutory Authority for Adoption:** RCW 74.15.030.

**Statute Being Implemented:** RCW 74.15.030.

**Summary:** WAC 388-150-005, the section title is changed from Licensing to Authority; 388-150-100, the section title is changed from Program to Activity program; 388-150-180, the section title is changed from Staffing—Staff pattern and qualifications to Staff pattern and qualifications; 388-150-280, the section title is changed from Safety and environment to General safety, maintenance, and site; 388-150-210, the section title is changed from Health and nutrition to Health care plan; 388-150-390, the section title is changed from Agency practices to Discrimination prohibited, and 388-150-450, the section title is changed from Records, reporting, and posting to Child records and information.

**Reasons Supporting Proposal:** This rule amendment is necessary to preserve public general welfare by ensuring all section titles are accurate. The amendments eliminate the potential for misinterpretation and clarify the intent of the respective regulations.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Ed Putman, Children and Family Services, 586-2815.

**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 February 26, 1991, at 10:00 a.m.

**Submit Written Comments to:** Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Maistop OB-33H, Olympia, Washington 98504, by February 26, 1991.

**Date of Intended Adoption:** March 12, 1991.

January 23, 1991

Rosemary Carr

Acting Director

Administrative Services

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-005 (~~(LICENSING))~~ **AUTHORITY.** (~~(Authority:)~~) The following rules are adopted under chapter 74.15 RCW.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-100 **ACTIVITY PROGRAM.** (1) (~~(Activity program:)~~) The licensee shall implement an activity program designed to meet the developmental, cultural, and individual needs of the child served. The licensee shall ensure the program contains a range of learning experiences for the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(2) The licensee shall ensure the center's program offers variety and options, including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) The licensee shall ensure the center's program affords the child daily opportunities for small and large muscle activities and outdoor play.

(4) The licensee shall operate the center's program under a regular schedule of activities with allowances for a variety of special events. The licensee shall implement a planned program of activities as evidenced by a current, written activity schedule, and afford staff classroom planning time.

(5) The licensee shall manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

(a) Establishing familiar routines;

(b) Contributing to learning experiences; and

(c) Maintaining staff-to-child ratio and group size guidelines.

(6) The child may remain in care only ten hours or less per day except as necessitated by the parent's working hours and travel time from and to the center.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-180 (~~(STAFFING=)~~) **STAFF PATTERN AND QUALIFICATIONS.** (1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.

(2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;

(c) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;

(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

(i) Record maintenance;

(ii) Financial management; and

(iii) Maintenance of positive relationships with staff, children, parents, and the community;

(e) Have completed forty-five or more college quarter credits in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate;

(f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;

(g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and

(h) Have knowledge of children and how to meet children's needs.

(3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor, responsible for planning and supervising the center's learning and activity program. The program supervisor shall:

(a) Be twenty-one years of age or older;

(b) Meet the education, experience, and competency qualifications specified in subsections (2)(e), (f), (g), and (h) of this section; and

(c) Discharge on-site program supervisory duties a minimum of twenty hours weekly.

(4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.

(5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge.

(6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

(7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:

(a) Is eighteen years of age or older; and

(b) Possesses a high school education or equivalent; or

(c) Has child development knowledge and experience.

(8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

(9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The licensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff qualification requirements.

(10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.

(11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

**WAC 388-150-210 HEALTH ((AND NUTRITION)) CARE PLAN.** (1) ((Health care plan:)) The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent. The health care plan shall include, but not be limited to, information about the center's procedures concerning:

(a) Communicable disease prevention, reporting, and management;

(b) Action taken for medical emergencies;

(c) First aid;

(d) Care of minor illnesses;

(e) Medication management;

(f) General hygiene practices;

(g) Handwashing practices;

(h) Food and food services; and

(i) Infant care procedures and nursing consultation, where applicable.

(2) The licensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development, approval, and periodic review of the center's health care plan.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

**WAC 388-150-280 GENERAL SAFETY, MAINTENANCE, AND ((ENVIRONMENT)) SITE.** (1) ((General safety, maintenance, and site:)) The licensee shall operate the center:

(a) On an environmentally safe site;

(b) In a neighborhood free from a condition detrimental to the child's welfare; and

(c) In a location accessible to other services to carry out the program.

(2) The licensee shall maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee shall ensure furniture and equipment are safe, stable, durable, child-sized, and free of sharp, loose, or pointed parts.

(3) The licensee shall:

(a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;

(b) Maintain a flashlight or other emergency lighting device in working condition;

(c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the preschool age and younger child;

(d) Finish or cover rough or untreated wood surfaces; and

(e) Maintain one or more telephones in working order, accessible to staff.

(4) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring.

(5) The licensee caring for the preschool age and younger child shall equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee shall shield light bulbs and tubes in child-accessible areas.

(8) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.

(9) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing waste water.

(10) The licensee shall ensure the mop storage area is ventilated.

(11) The licensee shall ensure no firearm or another weapon is on the premises.

(12) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

**WAC 388-150-390 ((AGENCY PRACTICES)) DISCRIMINATION PROHIBITED.** ((Discrimination prohibited:)) The licensee shall comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

**WAC 388-150-450 CHILD RECORDS((,-REPORTING;)) AND ((POSTING)) INFORMATION.** ((Child records and information:)) The licensee shall maintain on the premises organized confidential records and information concerning the child in care. The licensee shall ensure the child's record contains, at a minimum:

(1) Registration data:

(a) Name, birthdate, dates of enrollment and termination, and other identifying information;

(b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency; and

(c) Completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of the person authorized to remove from the center the child under care;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in

these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness and injury occurring on the premises, including the treatment given by staff;

(b) Medication given indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history, obtained when the licensee or staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Immunization history as required under WAC 388-150-220; and

(v) Name, address, and telephone number of the child's health care provider or facility.

**WSR 91-03-128**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3104—Filed January 23, 1991, 3:20 p.m., effective January 24, 1991, 12:01 a.m.]

Date of Adoption: January 23, 1991.

Purpose: The amendatory rules contain the titles for seven sections. These section headings were incorrectly labelled in the original rules.

Citation of Existing Rules Affected by this Order: Amending chapter 388-150 WAC, Minimum licensing requirements for child day care centers.

Statutory Authority for Adoption: RCW 74.15.030.

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

Reasons for this Finding: This rule amendment is necessary to preserve public general welfare by ensuring all section titles are accurate. The amendments eliminate the potential for misinterpretation and clarify the intent of the respective regulations.

Effective Date of Rule: January 24, 1991, 12:01 a.m.

January 23, 1991

Rosemary Carr

Acting Director

Administrative Services

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-005 (~~(LICENSING)~~) **AUTHORITY**. (~~(Authority:)~~) The following rules are adopted under chapter 74.15 RCW.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-100 **ACTIVITY PROGRAM**. (1) (~~(Activity program:)~~) The licensee shall implement an

activity program designed to meet the developmental, cultural, and individual needs of the child served. The licensee shall ensure the program contains a range of learning experiences for the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(2) The licensee shall ensure the center's program offers variety and options, including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) The licensee shall ensure the center's program affords the child daily opportunities for small and large muscle activities and outdoor play.

(4) The licensee shall operate the center's program under a regular schedule of activities with allowances for a variety of special events. The licensee shall implement a planned program of activities as evidenced by a current, written activity schedule, and afford staff classroom planning time.

(5) The licensee shall manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

(a) Establishing familiar routines;

(b) Contributing to learning experiences; and

(c) Maintaining staff-to-child ratio and group size guidelines.

(6) The child may remain in care only ten hours or less per day except as necessitated by the parent's working hours and travel time from and to the center.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-180 (~~(STAFFING=)~~) **STAFF PATTERN AND QUALIFICATIONS**. (1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.

(2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;

(c) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;



(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

- (i) Record maintenance;
- (ii) Financial management; and
- (iii) Maintenance of positive relationships with staff, children, parents, and the community;

(e) Have completed forty-five or more college quarter credits in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate;

(f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;

(g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and

(h) Have knowledge of children and how to meet children's needs.

(3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor, responsible for planning and supervising the center's learning and activity program. The program supervisor shall:

- (a) Be twenty-one years of age or older;
- (b) Meet the education, experience, and competency qualifications specified in subsections (2)(e), (f), (g), and (h) of this section; and

(c) Discharge on-site program supervisory duties a minimum of twenty hours weekly.

(4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.

(5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge.

(6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

(7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:

- (a) Is eighteen years of age or older, and
- (b) Possesses a high school education or equivalent; or
- (c) Has child development knowledge and experience.

(8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years

of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

(9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The licensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff qualification requirements.

(10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.

(11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-210 ~~HEALTH ((AND NUTRITION)) CARE PLAN.~~ (1) ~~((Health care plan.))~~ The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent. The health care plan shall include, but not be limited to, information about the center's procedures concerning:

- (a) Communicable disease prevention, reporting, and management;
- (b) Action taken for medical emergencies;
- (c) First aid;
- (d) Care of minor illnesses;
- (e) Medication management;
- (f) General hygiene practices;
- (g) Handwashing practices;
- (h) Food and food services; and
- (i) Infant care procedures and nursing consultation, where applicable.

(2) The licensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development, approval, and periodic review of the center's health care plan.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-280 ~~GENERAL SAFETY, MAINTENANCE, AND ((ENVIRONMENT)) SITE.~~

(1) ~~((General safety, maintenance, and site.))~~ The licensee shall operate the center:

- (a) On an environmentally safe site;
- (b) In a neighborhood free from a condition detrimental to the child's welfare; and
- (c) In a location accessible to other services to carry out the program.

(2) The licensee shall maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee shall ensure furniture and equipment are safe, stable, durable, child-sized, and free of sharp, loose, or pointed parts.



- (3) The licensee shall:
- (a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;
- (b) Maintain a flashlight or other emergency lighting device in working condition;
- (c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the preschool age and younger child;
- (d) Finish or cover rough or untreated wood surfaces, and
- (e) Maintain one or more telephones in working order, accessible to staff.
- (4) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impermeable flooring.
- (5) The licensee caring for the preschool age and younger child shall equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.
- (6) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.
- (7) The licensee shall shield light bulbs and tubes in child-accessible areas.
- (8) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.
- (9) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing waste water.
- (10) The licensee shall ensure the mop storage area is ventilated.
- (11) The licensee shall ensure no firearm or another weapon is on the premises.
- (12) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-390 (~~AGENCY PRACTICES~~) **DISCRIMINATION PROHIBITED.** (~~Discrimination prohibited.~~) The licensee shall comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

**AMENDATORY SECTION** (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-450 **CHILD RECORDS**(~~(REPORTING)~~) **AND** (~~(POSTING)~~) **INFORMATION.** (~~Child records and information.~~) The licensee shall maintain on the premises organized confidential records and information concerning the child in care. The licensee shall ensure the child's record contains, at a minimum:

- (1) Registration data:
- (a) Name, birthdate, dates of enrollment and termination, and other identifying information;
- (b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency; and

(c) Completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of the person authorized to remove from the center the child under care;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness and injury occurring on the premises, including the treatment given by staff;

(b) Medication given indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history, obtained when the licensee or staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Immunization history as required under WAC 388-150-220; and

(v) Name, address, and telephone number of the child's health care provider or facility.

**WSR 91-03-129**

**PERMANENT RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 1—Filed January 23, 1991, 4:06 p.m.]

Date of Adoption: January 16, 1991.

Purpose: To set forth policies and procedures governing the running start program.

Citation of Existing Rules Affected by this Order:  
WAC 392-127-700.

Statutory Authority for Adoption: RCW 28A.600.390.

Pursuant to notice filed as WSR 90-24-018 on November 28, 1990.

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

January 22, 1991

Judith A. Billings

Superintendent of

Public Instruction

**NEW SECTION**

WAC 392-127-700 **AUTHORITY.** The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community college education, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which

authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys.

#### NEW SECTION

WAC 392-127-703 PURPOSE. The purpose of this chapter is to set forth policies and procedures governing the running start program.

#### NEW SECTION

WAC 392-127-705 RUNNING START PROGRAM—DEFINITION. As used in this chapter, the term "running start program" means the enrollment of an eligible student under this chapter simultaneously in school district and community college or vocational-technical institute courses, or both, or solely in community college or vocational-technical institute courses, or both, for the purpose of earning high school credit to be awarded by a school district, and such additional college level academic and vocational or vocational-technical institute credit as may be awarded by a community college or vocational-technical institute.

#### NEW SECTION

WAC 392-127-710 ELIGIBLE STUDENT—DEFINITION. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age at the beginning of the school year (September 1 through August 31).

(2) The person is eligible by reason of his or her residence or admission under the law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See, RCW 28A.175.090 ("at risk" students), 28A.225.160 (residents of a school district), 28A.225.170 (residents of United States and Indian reservations), 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students).

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

(4) The person has not as of the beginning of the school year received a high school diploma or its equivalent, excluding a general education development certificate.

(5) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

#### NEW SECTION

WAC 392-127-715 FULL-TIME EQUIVALENT HIGH SCHOOL AND VOCATIONAL-TECHNICAL INSTITUTE STUDENTS—DEFINITION. The

definition of a "full-time equivalent high school student and vocational-technical institute student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter means and includes, each eligible student enrolled in a school district high school program or vocational-technical institute program, or both, as of the fourth school day of the school year (September 1 through August 31) and/or as of the first school day of eight subsequent months, for not less than twenty-five hours each week, or five hours (three hundred minutes) each scheduled school day.

#### NEW SECTION

WAC 392-127-720 FULL-TIME EQUIVALENT COMMUNITY COLLEGE STUDENT—DEFINITION. The definition of a "full-time equivalent community college student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter means and includes each eligible student enrolled in a community college as of the fourth college day of the school year (September 1 through August 31) and/or as of the first college day of eight subsequent months, for not less than fifteen quarter credit hours.

#### NEW SECTION

WAC 392-127-725 ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENT—DEFINITION. The definition of "annual average full-time equivalent student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter, means and includes the quotient obtained by dividing the annual total of an eligible student's full-time running start program enrollment counts reported under WAC 392-127-805 by nine.

#### NEW SECTION

WAC 392-127-730 COMMUNITY COLLEGE DISTRICT—DEFINITION. As used in this chapter, the term "community college district" means the appointed board of trustees of a Washington public community college district and the territory, facilities, and educational programs under the jurisdiction of the board of trustees.

#### NEW SECTION

WAC 392-127-735 COMMUNITY COLLEGE—DEFINITION. As used in this chapter, the term "community college" means a two-year institution of higher education under the jurisdiction of a community college district.

#### NEW SECTION

WAC 392-127-740 SCHOOL DISTRICT—DEFINITION. As used in this chapter, the term "school district" means the elected board of directors of a Washington public school district and the territory, facilities, and educational programs under the jurisdiction of the board of directors.

NEW SECTION

WAC 392-127-745 VOCATIONAL-TECHNICAL INSTITUTE—DEFINITION. As used in this chapter, the term "vocational-technical institute" means a specialized area nongraded vocational education facility offering comprehensive courses primarily oriented to the job market under the jurisdiction of the Bellingham School District, Clover Park School District, Lake Washington School District, Renton School District, or Tacoma School District.

NEW SECTION

WAC 392-127-750 ANNUAL NOTICE TO STUDENTS AND PARENTS. Each school district that elects to participate in the running start program during the 1990-91 and 1991-92 school years, and thereafter every school district, shall annually provide general information respecting the running start program to all tenth and eleventh grade students of the school district and their parents and guardians.

NEW SECTION

WAC 392-127-755 ENROLLMENT—GENERAL REQUIREMENTS AND CONDITIONS. The enrollment of an eligible student in the running start program shall be governed as follows:

(1) An eligible student is responsible for applying for and pursuing admission to a community college or vocational-technical institute.

(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in any community college or vocational-technical institute.

(3) An eligible student is entitled to enroll in any community college and any vocational-technical institute in the state for running start program purposes subject to each of the following conditions and limitations:

(a) Prior confirmation pursuant to WAC 392-127-770 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded.

(b) Acceptance by the community college or vocational-technical institute subject to generally applicable admission standards and enrollment restrictions established by the community college or vocational-technical institute.

(c) The limitations upon the duration and extent of community college and vocational-technical institute course enrollment set forth at WAC 392-127-775.

(d) The 1990-91 and 1991-92 school year limitations upon student, community college, and vocational-technical institute participation set forth at WAC 392-127-760 and 392-127-765.

(4) An eligible student shall not be required by a community college or vocational-technical institute to pay any tuition or other fee as a condition to the student's full participation in community college and vocational-technical institute course work and related activities, or as a condition to the award of credit therefor:

PROVIDED, That requiring a student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this subsection.

(5) Once an eligible student has been enrolled in a community college or vocational-technical institute course or program, the student shall not be displaced by another student: PROVIDED, That the student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the community college or vocational-technical institute.

NEW SECTION

WAC 392-127-760 ENROLLMENT—1990-91 AND 1991-92 SCHOOL YEARS—LIMITATIONS ON COMMUNITY COLLEGE AND STUDENT PARTICIPATION. Notwithstanding any other provision of this chapter to the contrary, admission to a community college for running start program purposes during the 1990-91 and 1991-92 school years is limited to:

(1) Admission to a community college of a community college district that has been designated as a running start program district by resolution of the state board for community college education.

(2) Eligible students who are eligible by reason of their residence or admission under the law to enroll in a school district that meets each of the following conditions:

(a) The school district is located in whole or part within the territory of a community college district that has been designated as a running start program district by resolution of the state board for community college education.

(b) The school district has elected to participate in the running start program by resolution of the board of directors.

NEW SECTION

WAC 392-127-765 ENROLLMENT—1990-91 SCHOOL YEAR—LIMITATION ON VOCATIONAL-TECHNICAL INSTITUTE PARTICIPATION. Notwithstanding any other provision of this chapter to the contrary, admission to a vocational-technical institute for running start program purposes during the 1990-91 school year is limited to admission to a vocational-technical institute which has elected to participate in the program by resolution of the school district board of directors.

NEW SECTION

WAC 392-127-770 ENROLLMENT—HIGH SCHOOL CREDIT—PRIOR CONFIRMATION. As a condition to an eligible student's enrollment in community college or vocational-technical institute courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific community college and vocational-technical institute courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish in accordance with chapter 180-51 WAC the amount of high school required or elective credit that shall be awarded for each course successfully completed by the student.

(3) If no comparable course is offered by the school district, the school district superintendent shall determine the amount of high school credit which shall be awarded, if any, following consultation with a community college or vocational-technical institute representative designated for that purpose.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school credit which shall be awarded upon successful completion of the courses.

#### NEW SECTION

WAC 392-127-775 ENROLLMENT—EXTENT AND DURATION. The extent and duration of an eligible student's enrollment in the running start program shall be limited as set forth in subsections (1) through (5) of this section: PROVIDED, That a school district or community college district, or both, may elect to allow eligible students to exceed such enrollment limitations so long as the enrollment claimed for basic education allocation purposes does not exceed the WAC 392-127-810 full-time equivalent student claim limitations.

(1) The combined enrollments of an eligible student in a high school and in a community college or vocational-technical institute, or both, under this chapter shall not concurrently exceed one full-time equivalent student. Accordingly, an eligible student must elect to enroll in high school for less than twenty-five hours per week in order to concurrently enroll in a community college or vocational-technical institute.

(2) A student who enrolls in grade eleven may enroll in a school district, community college, vocational-technical institute, or any combination thereof, for no more than the course work equivalent to two regular academic years of attendance as an annual average full-time equivalent student, (i.e., six college quarters as a full-time equivalent community college student, two one hundred eighty-day or more regular school years as a high school or vocational-technical institute full-time equivalent student, or a combination thereof not to exceed two annual average full-time equivalent enrollments).

(3) A student who enrolls in grade twelve may enroll in a school district, community college, vocational-technical institute, or any combination thereof, for no more than the course work equivalent to one regular academic year of attendance as an annual average full-time equivalent student.

(4) A student who becomes eligible during the regular school year for the award of a high school diploma by the school district through which the student seeks the award of running start program high school credit shall nevertheless continue subject to the restrictions of subsections (1) and (2) of this section to be eligible for enrollment in the running start program through the last day of the regular one hundred eighty-day or more school year of the school district at which time the student's entitlement to enroll under this chapter shall terminate.

(5) A student whose twenty-first birthday occurs during the regular school year shall nevertheless continue subject to the restrictions of subsections (1) and (2) of this section to be eligible for enrollment in the running start program through the last day of the regular one hundred eighty-day or more school year of the school district through which the student seeks to obtain running start program high school credit at which time the student's entitlement under this chapter to enroll shall terminate.

#### NEW SECTION

WAC 392-127-780 ACADEMIC STANDARDS AND DISCIPLINE—JURISDICTION OF EDUCATIONAL AGENCIES. Each school district and community college district shall have and exercise exclusive jurisdiction over academic and discipline matters involving an eligible student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district and the community college district.

#### NEW SECTION

WAC 392-127-785 COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS OF LAW—SPECIAL EDUCATION PROGRAM REQUIREMENTS—NECESSARY COOPERATIVE AGREEMENTS. As a general rule, a school district and a community college district are independently responsible for assuring compliance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district or community college district under this chapter. If, however, the individualized education program of an eligible student established under chapter 392-171 WAC provides for such enrollment in a community college or a vocational-technical institute of another school district, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's enrollment in the community college or vocational-technical institute. School districts and community college districts shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state special education funding.

**NEW SECTION**

**WAC 392-127-790 HIGH SCHOOL CREDIT—AWARD BY SCHOOL DISTRICTS.** Upon confirmation by a community college or vocational-technical institute of an eligible student's successful completion of running start program courses, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC 392-127-770, together with a notation that the courses were taken at a community college or vocational-technical institute. See WAC 180-51-050 which provides for the conversion of college credits to high school credits at the rate of one high school credit for five college quarter or three college semester hour credits.

**NEW SECTION**

**WAC 392-127-795 FINANCE—GENERATION OF STATE AND FEDERAL MONEYS.** Each eligible student shall generate state and federal moneys based upon the student's enrollment under this chapter in school district, community college, or vocational-technical institute courses or programs, or any combination thereof, in accordance with the definitions of full-time equivalent students set forth in WAC 392-127-715 through 392-127-725, the enrollment and enrollment count limitations set forth in WAC 392-127-775 and 392-127-810, rules of the superintendent of public instruction set forth at Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

**NEW SECTION**

**WAC 392-127-800 FINANCE—COMMUNITY COLLEGE AND VOCATIONAL-TECHNICAL INSTITUTE REPORTING REQUIREMENTS.** Each community college and vocational-technical institute that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ten calendar days of acceptance of the student, provide written notice to the student, superintendent of public instruction, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

(2) On a monthly basis, provide such enrollment information to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim basic education allocation moneys under this chapter and chapter 392-121 WAC including, but not limited to, notice of termination of the student's enrollment in a course due to withdrawal, suspension, or expulsion.

**NEW SECTION**

**WAC 392-127-805 FINANCE—SCHOOL DISTRICT REPORTING REQUIREMENTS.** Each school district through which an eligible student seeks to obtain running start program high school credit shall

make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of basic education allocation moneys based upon the student's high school, community college, and vocational-technical institute enrollment under this chapter. Eligible students shall be so reported as full-time equivalent students, or fractions thereof, in accordance with the definitions of full-time equivalent students set forth at WAC 392-127-715 through 392-127-725.

**NEW SECTION**

**WAC 392-127-810 FINANCE—LIMITATIONS ON ENROLLMENT COUNTS.** No eligible student enrolled in a high school, community college, vocational-technical institute, or any combination thereof, reported under WAC 392-127-800 and 392-127-805 shall be counted as more than one full-time equivalent student for any single month or more than one annual average full-time equivalent student in any school year: **PROVIDED,** That an eligible student who enrolls in grade eleven and elects to enroll in a summer community college or vocational-technical institute program that school year in order to accelerate his or her high school graduation may be counted as more than one annual average full-time equivalent student for that school year: **PROVIDED FURTHER,** That the student shall not be counted the succeeding school year as more than one annual average full-time equivalent student less than that portion of the prior school year count which exceeded one annual average full-time equivalent student count.

**NEW SECTION**

**WAC 392-127-815 FINANCE—APPORTIONMENT AND PAYMENT OF BASIC EDUCATION ALLOCATION MONEYS TO COMMUNITY COLLEGE DISTRICTS AND OTHER SCHOOL DISTRICTS.** School districts and community college districts may enter into agreements which provide for and govern the apportionment and payment of basic education allocation moneys generated by running start program students. In the absence of such an agreement, the school district through which an eligible student seeks to obtain running start program high school credit shall apportion such moneys and make payment on not less than a quarterly basis to the community college or other school districts serving the student under this chapter as follows:

(1) If an eligible student is enrolled exclusively in a community college or a vocational-technical institute operated by another school district, all basic education moneys generated by the student shall be paid to the community college district or other school district of enrollment: **PROVIDED,** That the school district through which the student seeks to obtain running start program high school credit may retain up to five percent of such moneys to offset costs incurred in evaluating and granting high school credit and processing basic education allocation claims and payments.

(2) If an eligible student is enrolled simultaneously in the school district through which the student seeks to obtain running start program high school credit and a community college or a vocational-technical institute operated by another school district, the school district through which the student seeks such high school credit shall retain that portion of the basic education allocation moneys generated by the student based upon the student's high school enrollment, and shall pay to the community college district or other school district the balance consisting of that portion of such moneys generated by the student based upon the student's community college or vocational-technical institute enrollment (e.g., in the case of an eligible student enrolled five hours in a high school (one-fifth of an FTE) and five quarter credit hours in a community college (one-third of an FTE), the school district would retain an amount equal to one-fifth of a full basic education allocation and pay to the community college district an amount equal to one-third of a full basic education allocation).

(3) Notwithstanding subsections (1) and (2) of this section, the maximum amount payable to a community college district or another school district by a school district operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students shall be the incremental amount per full-time equivalent community college or vocational-technical institute student that is or would be generated for student enrollments in excess of sixty annual full-time equivalent students.

#### NEW SECTION

WAC 392-127-820 FINANCE—PRIOR LEGISLATIVE APPROVAL OF FINANCE RULES REQUIRED. WAC 392-127-720 respecting the definition of full-time community college students and 392-127-810 respecting eleventh grade summer time enrollment counts shall have no force and effect unless the chairpersons of the senate ways and means and house of representatives appropriations committees provide written notice of approval under RCW 28A.150.260 (2)(d) to so revise the definition of full-time equivalent student and its method of application.

#### NEW SECTION

WAC 392-127-825 CURRENT AND FUTURE COMMUNITY COLLEGE ENROLLMENT ALTERNATIVES NOT AFFECTED. This chapter shall not affect the alternative enrollment, and arrangements therefor, of a secondary student in a community college pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (inter school district/community college cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (contracting with an educational institution other than a school district).

#### NEW SECTION

WAC 392-127-830 CURRENT AND FUTURE VOCATIONAL-TECHNICAL INSTITUTE ENROLLMENT ALTERNATIVES NOT AFFECTED.

This chapter shall not affect the alternative enrollment, and arrangements therefor, of a secondary student in a vocational-technical institute operated by the school district in which the student resides or in a vocational-technical institute operated by another school district pursuant to a contractual agreement entered into pursuant to RCW 28A.225.250 and 28A.335.160 (inter school district cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See chapter 392-135 WAC (inter school district cooperation programs).

**WSR 91-03-130**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
[Filed January 23, 1991, 4:21 p.m.]

#### Original Notice.

Title of Rule: Amending WAC 232-28-022 Game management units (GMUs)—Special game areas—Boundary descriptions.

Purpose: To amend the game management units (GMUs) including special game areas for boundary descriptions to correct boundary errors and add boundary descriptions for sheep, goat, moose, cougar, and lynx.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: Game management units as well as special hunting areas are used to distribute hunters and harvest according to management objectives. The geographic areas encompass specific damage areas or natural boundaries separating herds or populations.

Impact of Proposed Change: Resource management, none; financial, none.

Reasons Supporting Proposal: [No information was supplied by agency].

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: [No information was supplied by agency].

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

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

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Pamela Madson

Administrative Rules Officer

**AMENDATORY SECTION** (Amending Order 463, filed 10/19/90, effective 11/19/90)

WAC 232-28-022 GAME MANAGEMENT UNITS (GMUS)—SPECIAL GAME AREAS—BOUNDARY DESCRIPTIONS.

REGION ONE

GMU 100—Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek—Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103—Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105—Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier; then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. ((See Colville National Forest map)) (See Washington Atlas and Gazetteer)

GMU 108—Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville—Aladdin—Northport Road; then north and west on the Colville—Aladdin—Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111—Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville—Aladdin—Northport Road; then east and south along the Colville—Aladdin—Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113—Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho—Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118—Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery

Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119—Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park—Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121—Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124—Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho—Washington border at Newport; then south on Highway 2 to the Deer Park—Milan Road; then west on the Deer Park—Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington—Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127—Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane—Whitman County line; then east along Spokane—Whitman County line to the Washington—Idaho line; then north along the Washington—Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130—Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane—Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133—Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136—Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams—Lincoln County line to the Grant County line; then north along the Grant—Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139—Stephoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow—Pullman Highway; then west along the Moscow—Pullman—Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)



GMU 142-*Almota* (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-*Mayview* (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-*Starbuck* (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-*Eureka* (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-*Blue Creek* (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-*Watershed, Mill Creek Watershed area* (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-*Touchet* (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Trail; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-*Eckler* (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-*Marengo* (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon

Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-*Tucannon* (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-*Wenaha* (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-*Mountview* (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-*Lick Creek* (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-*Peola* (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-*Couse* (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade



Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

#### REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410),

then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 218-Chewuch (Okanogan County): Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River, then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 224-Pearrygin (Okanogan County): Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 231-Gardner (Okanogan County): Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 233-Pogue (Okanogan County): Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully-Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 239-Chiliwist (Okanogan County): Beginning at the town of Okanogan, then west on State Route 20 to State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 242-Alta (Okanogan County): Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 248—Big Bend (Douglas and Grant counties):** Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

**GMU 254—Saint Andrews (Douglas and Grant counties):** Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

**GMU 260—Foster Creek (Douglas County):** Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E.; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

**GMU 262—Withrow (Douglas County):** Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

**GMU 266—Badger (Douglas County):** Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

**GMU 269—Moses Coulee (Douglas and Grant counties):** Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

**GMU 272—Beezley (Grant and Douglas counties):** Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant—Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road,

then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant—Adams County line (Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning. (See official road maps of Grant and Douglas counties)

**GMU 278—Wahluke (Grant and Adams counties):** Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

**GMU 281—Ringold (Franklin, Adams, and Grant counties):** Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

**GMU 284—Kahlotus (Adams and Franklin counties):** Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams—Lincoln County line to the Whitman County line; then south along the Adams—Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

#### REGION THREE

**GMU 300—Manson (Chelan County):** Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow—Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map)

**GMU 301—Clark (Chelan County):** That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

**GMU 302—Alpine (Kittitas and Chelan counties):** Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

**GMU 304—Chiwawa (Chelan County):** Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier

Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306-Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308-Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314-Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colocum Creek on the Columbia River; then west along Colocum Creek and the Colocum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colocum Creek. (See Wenatchee National Forest Recreation map)

GMU 316-Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328-Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colocum Pass Road #10; then northeast along the Colocum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329-Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west ((and north along Road #14.14 and Road #14)) on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; T20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then ((northeast)) east along Davies Canyon to the Columbia River;

then north along the Columbia River to mouth of Colocum Creek; then southwest along Colocum Creek and Colocum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330-West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west ((and north along)) on Road(s) #14.14 ((and #14)) to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334-Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damon Road; then south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335-Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King-Kittitas County line at Kendal Peak; then south along the King-Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336-Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blow-out Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340-Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail ((#1363 (Peaches Ridge Trail))) #1367; then west on Trail ((#1363)) #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches-Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas-Umtaneum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas ((&)) - Ellensburg Road; then east on the Wenas-Ellensburg Road to Umtaneum Creek; then down Umtaneum Creek to the Yakima River; then up the Yakima River to the Damon Road; then south to the Wenas-Ellensburg Road; then south on the Wenas-Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342-Umtaneum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to Umtaneum Creek; then up Umtaneum Creek to the Wenas-Ellensburg Road; then west along the Wenas-Ellensburg Road to the Observatory Road; then north

along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and Umtaneum-Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I-82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

**GMU 346-Little Naches (Yakima & Kittitas counties):** Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

**GMU 352-Nile (Yakima County):** Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

**GMU 356-Bumping (Yakima County):** Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road (USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting). (See Wenatchee National Forest Recreation map)

**GMU 360-Bethel (Yakima County):** Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

**GMU 364-Rimrock (Yakima County):** Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

**GMU 366-Rimrock-Cowiche (Yakima County):** GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

**GMU 368-Cowiche (Yakima County):** Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

**GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties):** Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall;

then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

#### REGION FOUR

**GMU 405-Chuckanut (Whatcom and Skagit counties):** Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its mouth; then northwest down the South Fork Nooksack River to Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Region 4 office for more information.)

**GMU 410-Islands (San Juan, Island counties):** All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

**GMU 418-Nooksack (Whatcom and Skagit counties):** Beginning at the point where Jackman Creek meets State Highway 20 (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20 to Jackman Creek (east of Concrete) and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

**GMU 426-Diablo (Skagit and Whatcom counties):** The Ross Lake National Recreation Area and the adjoining corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

**GMU 433-Cavanaugh (Skagit and Snohomish counties):** Beginning at the intersection of State Highway 20 and State Highway 9 at Sedro Woolley; then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to Rockport; then west along the State Highway 20 to Sedro Woolley and the point of beginning. (See Washington Atlas & Gazetteer)

**GMU 440-Suiattle (Skagit and Snohomish counties):** Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State

Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 442-Tulalip (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 448-Stillaguamish (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Cascade Crest Trail to the headwaters of the Rapid River originating in Sec. 34, T27N, R13E; then north and west down said river to its junction with Meadow Creek in Sec. 14, T27N, R12E; then north up that creek to its junction with the headwaters of Cady Creek in Sec. 36, T28N, R12E; then north and west down Cady Creek to its junction with an unnamed creek in Sec. 21, T28N, R12E; then north up that unnamed creek to its headwaters at Excelsior Mountain and the Quartz Creek Trail (#1050); then north up the Quartz Creek Trail to Curry Gap; then east along USFS Trail #650 along the crest between Sloan Creek and the North Fork Skykomish River drainages to June Mountain and the Glacier Peak Wilderness Area boundary; then north along that boundary to the Suiattle River; then along the river to the Sauk River; then south up the Sauk River to Darrington; then west along the Darrington-Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish-Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 450-Cascade (Skagit and Snohomish counties): That part of Skagit County east of the range line between Ranges 12 and 13 E. that is south and west of the North Cascades National Park; and, in addition, those lands west of the range line between Ranges 12 and 13 E. that lie within the Glacier Peak Wilderness Area. That part of Snohomish County commencing at the Skagit County line and the Glacier Peak Wilderness Area boundary; then south along said boundary to June Mountain; then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages past Long John and Bald Eagle Mountains to Curry Gap; then south along the Quartz Creek Trail (No. 1050) and across the North Fork of the Skykomish River to Excelsior Mountain Trail (No. 1054); then south and east to the headwaters of an unnamed creek in Sec. 16, T28N R12E; then south along said creek through Sections 16 and 21 to West Cady Creek; then up (easterly) said creek to its junction with the headwaters of Meadow Creek in Sec. 36 T28N R12E; then south down Meadow Creek to its junction with the Rapid River in Sec. 14 T27N R12E; then east up the Rapid River to the headwaters of its south and east branch in Sec. 34 T27N R13E near the Cascade Crest and the Chelan County line. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 454-Issaquah (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City-Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the

5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 460-Snoqualmie (King and Snohomish Counties): Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston-Fall City Road; then north along the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 466-Stampede (King County): Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to its junction with the Naches Pass Trail at Pyramid Peak; then west on the Naches Pass Trail to Twin Camps and USFS Road 7035; then along USFS Road 7035 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 472-White River (King and Pierce counties): Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the second set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7035; then east along that road to its intersection with the Naches Pass Trail at Twin Camps; then east along the Naches Pass Trail to the Pacific Crest Trail (USFS Trail 2000) near Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

GMU 478-Mashel (Pierce County): Beginning where State Highway 162 crosses the Carbon River (near Crocker); then southeast up the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail-Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville-LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin-Eatonville Road); then north along that road through Kapowsin to its junction with Highway 162 just east of Orting at Crocker; then east along that highway to the Carbon River to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

GMU 480-South Islands (Pierce County): Anderson and Ketron ((†))islands. ((~~Note special firearm restrictions in effect for these islands. Hunting is closed on McNeil Island.~~)) (See Washington Atlas & Gazetteer)

GMU 484-Puyallup (Pierce and King counties): Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road through the town of Kapowsin to the intersection of State Route 162; then northeast along State Route 162 to its intersection with the Carbon River; then east along the Carbon River to where it intersects the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the second set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then ((east)) west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 485-Green River (King County): Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

GMU 490-Cedar River (King County): Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

#### REGION FIVE

GMU 501-Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-Stella (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-Mossyrock (Lewis County): Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the C line Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-Willapa Hills (Wahkiakum, Pacific, Lewis counties): Beginning in Cathlamet on the State Highway 407 bridge across the Cathlamet Channel (Columbia River), then west down the Columbia River to the mouth of Deep River, then up Deep River to State Highway 4, then northwest to Salmon Creek Road, then northeast on Salmon Creek Road to the Bonneville Powerline Road, then north on the Bonneville Powerline Road to State Highway 6, then east on State Highway 6 to the town of ((PEEH)) Pe Ell and the Muller Road, then south on Muller Road to the 1000 Road, then south on the 1000 Road to the 1800 Road, then south on the 1800 Road to the 500 Road, then southeast on the 500 Road to State Highway 407, then south on State Highway 407 to Cathlamet and point of beginning. (See Washington Atlas & Gazetteer)

GMU 510-Stormking (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-Sawtooth (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 to USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the



Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520—Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522—Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon ((to Smith)) Creek ((- then north along)) to the USFS Smith Creek ((and following the eastern main branch to its headwaters, then due west)) Trail then north up USFS Smith Creek Trail to ((the)) USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524—Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530—Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning in the town of ((PeEH)) Pe Ell (intersection of State Highway 6 and Muller Road), then south on Muller Road to the 1000 Rd., then south on the 1000 Rd. to the 1800 Rd., then south on the 1800 Rd. to the 500 Rd., then southeast on the 500 Rd. to State Highway 407, then south on State Highway 407 to the Columbia River Bridge (Cathlamet Channel), then east up the Columbia River to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to IP 1050 Road, then east on IP 1050 Road to the 2200 Road, then east and south on the 2200 Road to the 2000 Road, then south on the 2000 Road to Delameter Road (Woodside Drive), then east on Delameter Road to State Highway 411, then north on State Highway 411 to PH 10 Road (4 Corners), then east to the Cowlitz River, then north up the Cowlitz River to the Interstate 5 bridge, then north on Interstate 5 to

State Highway 6, then west on State Highway 6 to ((PeEH)) Pe Ell and point of beginning. (See Washington Atlas & Gazetteer)

GMU 550—Coweeman (Cowlitz County): Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554—Yale (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556—Toutle (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merril Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558—Marble (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek ((;)) Trail then north up USFS Smith Creek ((along the East Fork to its headwaters and)) Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560—Lewis River (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Rd., then north to the USFS 82 Rd., then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary, then north along boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the

USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-Battle Ground (Clark (~~County~~)) and Skamania Counties): Beginning at Merwin Dam on the Lewis River, then on a southeast line to the power line, then southeast to County Rd. 20, then south to Pup Creek Road, then southeast to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then ~~((west to Hartwick Road, south to Basket Flat Road, west to 197th Ave., south to 279th Street, west to 182nd Ave., south to 249th Street, and east to Crawford Road, then southeast on Alworth to 229th Street, then southeast on 229th Street to Berry Road, then southeast on Berry Road to DNR 1410 Rd., then southeast on the 1410 Road to DNR 1400 Rd., then west on 1400 Rd. to Rawson and Powell roads to 212th Ave., then south to 83rd Street, east to 217th Ave., south to 68th Street, east to 232nd Ave., and south to State Highway 500, then south and east to Blair))~~ southeast on County Road 12 to Dole Valley Road, south on Dole Valley Road, Rock Creek Road, and Skamania Mines Road in Skamania County to Skye Road, east on Skye Road to Washougal River Road, then southeast ((to)) on State Highway 140((; then north and east)) to State Highway 14 and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then down the Columbia River to the Lewis River and up the Lewis River to Merwin Dam and point of beginning. (See Washington Atlas & Gazetteer)

GMU 568-Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River, then on a southeast line to the power line crossing on County Rd. 20, then south to Pup Creek Road, then east to County Rd. 16, then southeast through Amboy and Yacolt to Moulton and County Rd. 12, then ~~((west to Hartwick Road, south to Basket Flat Road, west to 197th Ave., south to 279th St., west to 182nd Ave., south to 249th St., and east to Crawford Road, then southeast on Alworth to 229th St., to Berry Road and the DNR 1410 Rd., to DNR 1400 Rd., then west to Rawson and Powell roads to 212th Ave., then south to 83rd St., east to 217th Ave., south to 68th St., east to 232nd Ave., and south to State Highway 500, then south and east to Blair))~~ southeast on County Road 12 to Dole Valley Road, south on Dole Valley Road, Rock Creek Road, and Skamania Mines Road in Skamania County to Skye Road, east on Skye Road to Washougal River Road, then southeast ((to)) on State Highway 140((; then north and east)) to State Highway 14, and Cape Horn Road, then south on Cape Horn Road to the Columbia River, then east up the Columbia to the mouth of Rock Creek at Stevenson; then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 0.5 miles to USFS Rd. 406; then northwest on USFS Rd. 406 to USFS 41, then west to Sunset Work Center and Forest Rd. 42 (Green Fork Road), then east to USFS 4205 Rd., then north and east to the USFS 53 Rd., then northwest to the USFS 37 Rd., and USFS 54 Rd., then northwest on USFS 54 Rd (N.E. Healy Rd.) to International Paper Road; then north to Canyon Creek, down Canyon Creek to Merwin Reservoir and west to Merwin Dam and point of beginning. (See Washington Atlas & Gazetteer)

GMU 572-Siouxon (Skamania and Clark counties): Beginning at the intersection of the Wind River Road and USFS 65 Rd. (Panther Creek Road); then north on the USFS 65 Rd, USFS 60 Rd. (Carson-Guler Road); then northwest to Peterson Prairie and USFS 24 Road, then north to the USFS 30, then southwest to the USFS 51 Rd. (Curly Creek Road), then northwest to the USFS 90 Rd. (Lewis River Road), then west to the Eagle Cliff bridge on the North Fork Lewis River; then down the North Fork Lewis River through Swift and Yale reservoirs to Merwin Reservoir and the mouth of Canyon Creek; then south up Canyon Creek to International Paper Road, then south to USFS 54 Rd. (N.E. Healy Road); then southeast to the USFS 37 Rd. and the USFS 53 Rd., then east and south to the USFS 4205 Rd., then south and west to the USFS 42 Rd. (Green Fork Road); then west to the USFS 41 Rd. at Sunset Falls; then east on the USFS 41 Rd. (Sunset Hemlock Road) to the U.S. Forest Service District Headquarters and the Hemlock Road; then east on the Hemlock Road to the Wind River Road (Stabler); then south on the Wind River Road to USFS 65 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 574-Wind River (Skamania County): Beginning at the mouth of Rock Creek (Stevenson), then northwest up Rock Creek to the south boundary of Gifford Pinchot National Forest, then due west approximately 1/2 mile to USFS 406 Rd., then northwest on USFS 406 Rd. to USFS 41 Rd., then east to U.S. Forest Service District Headquarters (Wind River) and Hemlock Road, then east to the Wind River Road (Stabler), then south to USFS 65 Rd. (Panther Creek Road), then north to USFS 60 Rd. (Carson-Guler Road), then northeast to USFS 24 Rd. and 141 Rd. to USFS 86 Rd., then south on USFS 86 Rd. to USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road) to Willard and the Little White Salmon River, then down the Little White Salmon River to the Columbia River, then west down the Columbia River to the mouth of Rock Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 576-White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners-Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north to Trout Lake and the USFS 80 Rd., then to the USFS 82 Rd., then north to the Yakima Indian Reservation boundary, then east along the south Reservation boundary to Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west to the Glenwood/Goldendale Road, then northwest to the Gravel Pit Road, then south to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then north to the Glenwood/Goldendale Road, then east to the Truck Cut Road, then north to the Summit Creek Primary Road, then to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

#### REGION SIX

GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112((:)); then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de



Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602—Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603—Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607—Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612—Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615—Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618—Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621—Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal

to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimaquam Center Road; then south along Chimaquam Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624—Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimaquam Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625—Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627—Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633—Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten Inlet-Dana Passage and Case Inlet to the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodsport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636—Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodsport Road and U.S. Highway 101 at Hoodsport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road ((2153)) 2260); then west on the L-600 line to USFS Road 22 (Montesano-Grisdale Road); then north on USFS Road 22 through Grisdale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park boundary; then east along the Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638—Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road

#2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humtulpis (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humtulpis River; then downstream on the East Fork of the Humtulpis to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Gridale Road; continuing east on this road (Forest Service Road #22) to Camp Gridale (south of Wynoochee Lake); then south along the Gridale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2153); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2153); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in

Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning(~~(-also Rennie Island)~~). (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue (~~((Bloom Road))~~); then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road(~~(:)~~) and Salzer (~~(and Summa)~~) Road(~~(s)~~) to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672—Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road; then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678—Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681—Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684—Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

#### DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113

Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to the headwaters of Burntboot Creek about Iceberg Lake at Overcoat Peak; then down Burntboot Creek to the Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

#### ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant and Douglas counties): All of Douglas and Grant counties except closed in the corridor described as follows: Beginning at East Wenatchee and following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR 28 on Road "U" N.W.; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. To the Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reece Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the

Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan Counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then east along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis County): Beginning at the Cedar Creek Bridge along State Highway No. 505; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwest along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road (~~and Mellegaard Road~~) to Umtaneum Creek; then east (downstream) along Umtaneum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas(;) and Chelan Counties): Beginning at ~~((Powerlines on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road #12 to Colockum Pass Road; then south along the Colockum Pass Road to the section line between Sections 8 and 9 (T20N, R21E); then west along the section line to the Mose Carr Road; then north and west on the Mose Carr Road to the Jump Off Road; then north and west on Jump Off Road to the Shaller Road and Upper Basin Loop Road; then north and east on the Upper Basin Loop Road and Wenatchee Heights Road; then northeast on the Wenatchee Heights Road and Squilchuck Road to the Columbia River; then down the) the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); west and south along the power line to where power line crosses North Fork Tarpiscan Creek Road (in Section 16, T20N, R31E); north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); south and west on Colockum Pass Road to section line between Section 8 and Section 9 (T20N, R21E); north on that section line to~~

~~point of intersection with Mose Carr Road; west and north on Mose Carr Road to Jumpoff Road; south and west along Jumpoff Road to Shaller Road; north and west along Shaller Road to Upper Basin Loop Road; north and east on Upper Basin Loop Road to Loop Road (pavement) in Section 10; north on Loop Road to Wenatchee Heights Road; down Wenatchee Heights Road and Squilchuck Road to Columbia River; along west bank of ((the)) Columbia River to ((the)) point of beginning. (See Washington Atlas and Gazetteer)~~

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road ~~((Poison Canyon)) (Sand Creek); then ((northwest)) west on USFS #7104 Road ((and along the northeast edge of Camas Meadow, then west along this dirt road to the)) (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS #7200 Road, T22N, R18E, Section 4; then north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)~~

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific Counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 7200 Road, then northeast on the 7200 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one (1) mile east of Cora Bridge; then west on Bennett and C line roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W[]); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. [Twp.] 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and ~~((the Prest Road (approximately 4 miles))~~ Lingenfelter Road west of the town of Chinook(♣); then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

#### BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road

#1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

#### MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road 119; then north on Road 119 to the Peoh Point Road (3350); then south on Road 3350 to the junction with Road 3352; then east on the 3352 Road to the Cedar Creek Road; then north on the Microwave Road to Sky Meadows and Casassa Road to the BPA Powerlines; then east along the BPA Powerlines to Highway 10; then east along Highway 10



to the junction with Highway 97; then north on Highway 97 to the Lower Green Canyon Road; ~~((the then))~~ then north to Upper Green Canyon Road to the junction of the First Creek Road; then west on the First Creek Road to Highway 97; then north on Highway 97 to USFS 9738 (Blue Creek); then west on USFS 9738 to USFS 9702 (Dickey Creek); then southwesterly on Road 9702 to the Dickey Creek Road; then west on USFS 9702 to the North Fork Teanaway Road; then south to the junction with West Fork Teanaway Road; then south on Middle Fork Road to Bible Camp; then south up #17 Canyon Road to Cle Elum Ridge Road; then west on Cle Elum Ridge Road to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road; then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 ~~((Clemen))~~ Clemen (Yakima County): That portion of GMU ~~((346))~~ 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 ~~((Clemen))~~ Clemen Ridge Road to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

#### Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west

up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in Township 39 North, Range 25EWM, which includes Grandview Mountain.

#### Goat Unit 2-2 Methow Area:

Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road #4440) to roads end; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

#### Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

#### Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

#### Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

#### Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

#### Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

#### Goat Unit 3-6 Naches Pass:

Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

#### Goat Unit 3-7 Bumping River:

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

**Goat Unit 3-8 Bumping River:**

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

**Goat Unit 3-9 Tieton River:**

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation boundary; then east to USFS Road 1137; then west to USFS Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

**Goat Unit 4-1 Ruth Creek Area:**

Permit Area: Whatcom County within the following described boundary: Beginning on the Nooksack River at the range line between Ranges 6 and 7 E.W.M.; north along said range line to the Canadian border; then east along the Canadian line to the boundary of North Cascades National Park; then south and west along the Park boundary to the northwest corner of Sec. 22 T39N R9E; then west to White Salmon Road 3920; then west along the White Salmon Road to the Mt. Baker Highway; then northwest along the Mt. Baker Highway to the North Fork Nooksack River; then west along the North Fork of the Nooksack River to the range line between Ranges 6 and 7 E.W.M. and the point of beginning.

**Goat Unit 4-3 Chowder Ridge:**

Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

**Goat Unit 4-4 Lincoln Peak:**

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail #603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

**Goat Unit 4-6 Dillard Creek:**

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

**Goat Unit 4-7 Avalanche Gorge:**

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt.

Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail #683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail #600; then east along the Lake Ann Trail #600 to the boundary of North Cascades National Park; then south and east along the Park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

**Goat Unit 4-8 East Ross Lake:**

Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the Park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

**Goat Unit 4-9 Jack Mountain:**

Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

**Goat Unit 4-10 Majestic Mountain:**

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

**Goat Unit 4-12 Mt. Tommy Thompson:**

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northern-most extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southern-most extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

**Goat Unit 4-14 Mt. Buckindy:**

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southern-most extension; then continue southwest over the ridgetop at 6,921 foot elevation to the

northern-most extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River Area:

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain:

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks:

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak:

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmbach Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the

Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except Closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacaed Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail #1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail #1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River:

Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass:

Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail #1188; then northwest along said trail to USFS Trail #1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh:

Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-4 Goat Rocks:



Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

#### MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: Pend Oreille County, east of the Pend Oreille River.

Moose Unit 2 Mt. Spokane:

Permit Area: Spokane County.

#### BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain:

Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River:

Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 Umtaneum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couze) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews then east to the Dry Gulch Road; then north to the Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

#### LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

#### COUGAR PERMIT AREA DESCRIPTIONS

Unit Description

- 1 Pend Oreille—GMU 113
- 2 Colville—GMUs 108, 111, 118, and 119
- 3 Republic—GMUs 100, 103, 105, 200, and 206

- 4 Spokane—GMUs 121 and 124
- 5 Blue Mountains—GMUs 145 through 185
- 6 Okanogan—GMUs 203, 209-242, and 300
- 7 Wenatchee—GMUs 301-368
- 8 Nooksack—GMU 418
- 9 Skagit—GMUs 426, 433, 440-448, and 450
- 10 Snoqualmie—GMUs 454, 460, 466, 472, 490
- 11 Olympic Peninsula—GMUs 601-651
- 12 Rainier—GMUs 478, 484, 505, 510, 512, 514, 516, and 667
- 13 Capitol—GMUs 663, 666

### WSR 91-03-131

#### PROPOSED RULES

#### DEPARTMENT OF WILDLIFE

[Filed January 23, 1991, 4:26 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-004 Classification of wild birds.

Purpose: To amend WAC 232-12-004 Classification of wild birds.

Statutory Authority for Adoption: RCW 77.12.020 and 77.12.040.

Statute Being Implemented: RCW 77.12.020 and 77.12.040.

Summary: Defines upland birds and forest grouse. Broad scientific family or genus categories have been reduced to specific species managed in Washington. Provides better organization and clarification of language.

Reasons Supporting Proposal: Definition of upland birds and forest grouse provides public with clear understanding of these commonly used terms; often applied to seasons and regulations. Reduction of broad scientific family or genus categories to specific species better identifies game birds. Previous classification involved inappropriate species such as unsuccessfully introduced exotics and the domestic pigeon.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Identifies species of wild birds to be managed by the Department of Wildlife as game birds or predatory birds and as such, be hunted as authorized by the Wildlife Commission. Definitions are provided for upland birds and forest grouse. Broad scientific family or genus categories have been reduced to specific species managed in Washington.

Proposal Changes the Following Existing Rules: See Summary and Short Explanation of Rule, etc. above.

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

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991  
Pamela Madson  
Administrative Rules Officer

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-004 CLASSIFICATION OF WILD BIRDS. (1) Game birds include ((~~the family Anatidae or waterfowl commonly known as geese, brant, swan, surface-feeding ducks, diving ducks and mergansers; the Rallidae commonly known as rails, gallinules and coots; Common, Wilson's or jacksnipe; the Columbidae commonly known as doves and pigeons. Wild turkeys of the species Meleagris gallopavo; whitetailed ptarmigan; sage grouse (sage hen); sharp-tailed grouse; blue grouse; spruce grouse (franklin grouse) and ruffed grouse; of the family Tetraonidae; ring-necked, Chinese, Mongolian, Mutant and all other pheasant of the genus Phasianus; and Reeves pheasant of the species Symmaticus reevesi; gray or Hungarian partridge[;]; Perdix perdix[;]; chukar partridge; and all other partridges of the genus Alectoris; Chilean tinamou of the genus Nothoprocta; bobwhite quail and all other quail of the genus Colinus; California quail and all other quail of the genus Lophortyx; mountain quail and all other quail of the genus Oreortyx; scaled quail and other quail of the genus Callipepla. )));~~

<u>Common Name</u>	<u>Scientific Name</u>
<u>migratory waterfowl</u>	<u>Anatidae</u>
<u>turkey</u>	<u>Meleagris gallopavo</u>
<u>blue grouse</u>	<u>Dendragapus obscurus</u>
<u>spruce grouse</u>	<u>Dendragapus canadensis</u>
<u>ruffed grouse</u>	<u>Bonasa umbellus</u>
<u>Blue, spruce, or ruffed grouse means "forest grouse."</u>	
<u>sharp-tailed grouse</u>	<u>Tympanuchus phasianellus</u>
<u>sage grouse</u>	<u>Centrocercus urophasianus</u>
<u>white-tailed ptarmigan</u>	<u>Lagopus leucurus</u>
<u>California quail</u>	<u>Callipepla californicus</u>
<u>mountain quail</u>	<u>Oreortyx pictus</u>
<u>bobwhite quail</u>	<u>Colinus virginianus</u>
<u>scaled quail</u>	<u>Callipepla squamata</u>
<u>chukar</u>	<u>Alectoris graeca</u>
<u>ring-necked pheasant</u>	<u>Phasianus colchicus</u>
<u>Gray (Hungarian) partridge</u>	<u>Perdix perdix</u>

Quail, chukar, pheasant, or partridge means "upland bird."

<u>coot</u>	<u>Fulica americana</u>
<u>common snipe</u>	<u>Capella gallinago</u>
<u>band-tailed pigeon</u>	<u>Columba fasciata</u>
<u>mourning dove</u>	<u>Zenaidura macroura</u>

(2) Predatory birds include ((magpie, crow, English sparrow and starling:));

<u>Common Name</u>	<u>Scientific Name</u>
<u>magpie</u>	<u>Pica pica</u>
<u>crow</u>	<u>Corvus brachyrhynchos</u>
<u>starling</u>	<u>Sturnus vulgaris</u>
<u>House (English) sparrow</u>	<u>Passer domesticus</u>

WSR 91-03-132

PROPOSED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed January 23, 1991, 4:29 p.m.]

Original Notice.

Title of Rule: Site restoration—Terminated projects.  
Purpose: The purpose of WAC 463-42-680 is to establish an initial standard for site restoration of terminated projects.

Statutory Authority for Adoption: RCW 80.50.040.  
Statute Being Implemented: Chapter 80.50 RCW.

Summary: This rule establishes original condition as the standard for site restoration of terminated projects, unless the council finds another level is appropriate.

Reasons Supporting Proposal: The rule will provide guidance to those parties interested in site restoration issues.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Energy Facility Site Evaluation Council, 809 Legion Way, Olympia, WA 98504, 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will establish the original site condition for site restoration unless the council finds a different level protects the public.

Proposal does not change existing rules.

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

Hearing Location: Hearing Room, 4224 6th Avenue, Rowesix, Buliding #1, Lacey, WA, on March 11, 1991, at 1:30 p.m.

Submit Written Comments to: Jason Zeller, 809 Legion Way, Olympia, WA 98504, by March 10, 1991.

Date of Intended Adoption: March 11, 1991.

January 22, 1991

John H. Keith

Assistant Attorney General

Legal Advisor

NEW SECTION

WAC 463-42-680 SITE RESTORATION—TERMINATED PROJECTS. Certificate holders shall return the site of a terminated project to its original condition prior to construction, unless the certificate holder demonstrates and the council finds that some other level of site restoration adequately protects the public interest.

WSR 91-03-133

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed January 23, 1991, 4:31 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-007 Classification of wild animals.

Purpose: To amend WAC 232-12-007 Classification of wild animals.

Statutory Authority for Adoption: RCW 77.12.020 and 77.12.040.

Statute Being Implemented: RCW 77.12.020 and 77.12.040.

Summary: Adds coyote as game animal; deletes bull frog as a game animal; and provides better organization and clarification of language.

Reasons Supporting Proposal: The addition of coyote to the list of classified game animals permits the Wildlife Commission to regulate the killing of coyote. Coyote management is necessary in portions of the state where their range overlaps with the wolf, an endangered species. The accidental killing of wolves, by coyote hunters, has been identified as a significant limiting factor to wolf recovery. Bull frogs, an exotic species, no longer requires the added protection of game animal status. Their presence often conflicts with the presence of native fauna.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-12-007 identifies species of wild animals to be managed by the Department of Wildlife as game animals and as such, be hunted as authorized by the Wildlife Commission. This amendment would add coyote as a game animal thus permitting the commission to regulate the time, place, and manner of take. This amendment deletes bull frog from the list of game animals.

Proposal Changes the Following Existing Rules: See Summary and Short Explanation of Rule, etc. above.

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

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Pamela Madson

Administrative Rules Officer

AMENDATORY SECTION (Amending Order 192, filed 9/9/82.)

WAC 232-12-007 CLASSIFICATION OF WILD ANIMALS.  
 ((Certain wild animals are classified as:))

(1) Game animals include ((~~deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer, elk, *Cervus elaphus* including Roosevelt and Rocky Mountain races, moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Ursus americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, and *nuttallii*; snowshoe hare, *Lepus americanus*; black-tailed jackrabbit, *Lepus californicus*; white-tailed jackrabbit, *Lepus townsendii*; bullfrog, *Rana catesbeiana*; beaver, *Castor canadensis*, muskrat, *Ondatra zibethicus*; mink, *Mustela vison*, except legally acquired, captive-bred mink; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; badger, *Taxidea taxus*; weasel, *Mustela erminea* and *frenata*; and fox, *Vulpes fulva*, except legally acquired, captive-bred silver fox.));~~

<u>Common Name</u>	<u>Scientific Name</u>
<u>eastern cottontail</u>	<u><i>Sylvilagus floridanus</i></u>
<u>cottontail</u>	<u><i>Sylvilagus nuttallii</i></u>
<u>black-tailed jackrabbit</u>	<u><i>Lepus californicus</i></u>
<u>white-tailed jackrabbit</u>	<u><i>Lepus townsendii</i></u>
<u>snowshoe hare</u>	<u><i>Lepus americanus</i></u>
<u>coyote</u>	<u><i>Canis latrans</i></u>
<u>fox</u>	<u><i>Vulpes vulpes</i></u>
<u>black bear</u>	<u><i>Ursus americanus</i></u>
<u>raccoon</u>	<u><i>Procyon lotor</i></u>
<u>cougar</u>	<u><i>Felis concolor</i></u>
<u>lynx</u>	<u><i>Lynx canadensis</i></u>
<u>bobcat</u>	<u><i>Lynx rufus</i></u>
<u>Roosevelt and Rocky Mountain elk</u>	<u><i>Cervus elaphus</i></u>
<u>mule deer and black-tailed deer</u>	<u><i>Odocoileus hemionus</i></u>
<u>white-tailed deer</u>	<u><i>Odocoileus virginianus</i></u>
<u>moose</u>	<u><i>Alces alces</i></u>
<u>pronghorn</u>	<u><i>Antilocapra americana</i></u>
<u>mountain goat</u>	<u><i>Oreamnos americanus</i></u>
<u>mountain sheep</u>	<u><i>Ovis canadensis</i></u>

(2) Furbearing animals are game animals and include ((~~beaver, *Castor canadensis*; muskrat, *Ondatra zibethicus*; mink, *Mustela vison*, except legally acquired, captive-bred mink; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea taxus*; raccoon, *Procyon lotor*;[,] weasel, *Mustela [Mustela] erminea* and *frenata*; and fox, *Vulpes fulva*, except legally acquired, captive-bred silver fox.));~~

<u>Common Name</u>	<u>Scientific Name</u>
<u>beaver</u>	<u><i>Castor canadensis</i></u>
<u>muskrat</u>	<u><i>Ondatra zibethicus</i></u>
<u>coyote</u>	<u><i>Canis latrans</i></u>
<u>fox</u>	<u><i>Vulpes vulpes</i></u>
<u>raccoon</u>	<u><i>Procyon lotor</i></u>
<u>marten</u>	<u><i>Martes americana</i></u>
<u>short-tailed weasel</u>	
<u>or ermine</u>	<u><i>Mustela erminea</i></u>
<u>long-tailed weasel</u>	<u><i>Mustela frenata</i></u>
<u>mink</u>	<u><i>Mustela vison</i></u>
<u>badger</u>	<u><i>Taxidea taxus</i></u>
<u>river otter</u>	<u><i>Lutra canadensis</i></u>
<u>lynx</u>	<u><i>Lynx canadensis</i></u>
<u>bobcat</u>	<u><i>Lynx rufus</i></u>

**WSR 91-03-134**

**PROPOSED RULES**

**DEPARTMENT OF WILDLIFE**

[Filed January 23, 1991, 4:35 p.m.]

**Original Notice.**

Title of Rule: Adopting WAC 232-28-228, 1991-92, 1992-93, and 1993-94 Official hunting hours and small game seasons.

Purpose: To establish official hunting hours for all game species and small game hunting seasons for 1991-92, 1992-93, and 1993-94.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: Establish hunting hours for all game species and small game hunting seasons.

Reasons Supporting Proposal: Official hunting hours provided to the public clearly identify proper time for hunting consistent with wildlife management principles.

Identified small game seasons advise hunters the proper time, place, and manner of taking small game.

Name of Agency Personnel Responsible for Drafting and Implementation: Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes official hunting hours for the 1991-92, 1992-93, 1993-94 hunting seasons. This encompasses all game species and notifies the public of authorized times to hunt. This rule also establishes the time, place,

and manner for public hunting opportunities of small game.

Proposal does not change existing rules.

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

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Pamela Madson

Administrative Rules Officer

NEW SECTION

WAC 232-28-228 1991-92, 1992-93, 1993-94 OFFICIAL HUNTING HOURS AND SMALL GAME SEASONS  
1991-92 OFFICIAL HUNTING HOURS\*  
September 1, 1991 to January 31, 1992

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Sun. Sept. 1 - Sun. Sept. 8	6:00	7:45	5:45	7:30
Mon. Sept. 9 - Sun. Sept. 15	6:10	7:30	6:00	7:15
Mon. Sept. 16 - Sun. Sept. 22	6:20	7:15	6:10	7:00
Mon. Sept. 23 - Sun. Sept. 29	6:30	7:00	6:20	6:45
Mon. Sept. 30 - Sun. Oct. 6	6:40	6:45	6:30	6:35
Mon. Oct. 7 - Fri. Oct. 11	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 12	7:00	6:20	6:50	6:05
Weekend Sun. Oct. 13	7:00	6:20	6:50	6:05
Mon. Oct. 14 - Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon. Oct. 21 - Sat. Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time				
Sun. Oct. 27	6:10	5:05	6:00	4:55
Mon. Oct. 28 - Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon. Nov. 4 - Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon. Nov. 11 - Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon. Nov. 18 - Sun. Nov. 24	6:50	4:25	6:40	4:15
Mon. Nov. 25 - Sun. Dec. 1	7:00	4:20	6:50	4:10
Mon. Dec. 2 - Sun. Dec. 8	7:10	4:20	7:00	4:10
Mon. Dec. 9 - Sun. Dec. 15	7:15	4:20	7:05	4:10
Mon. Dec. 16 - Sun. Dec. 22	7:20	4:20	7:10	4:10
Mon. Dec. 23 - Sun. Dec. 29	7:25	4:25	7:10	4:15
Mon. Dec. 30 - Sun. Jan. 5	7:25	4:30	7:15	4:15
Mon. Jan. 6 - Sun. Jan. 12	7:25	4:35	7:15	4:25
Mon. Jan. 13 - Sun. Jan. 19	7:20	4:45	7:10	4:35
Mon. Jan. 20 - Sun. Jan. 26	7:15	4:55	7:05	4:45
Mon. Jan. 27 - Fri. Jan. 31	7:10	5:00	7:00	4:50

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Open Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m. Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat, raccoon, and coyote are exempt from hunting hour restrictions during established bobcat, raccoon, and coyote seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1992-93 OFFICIAL HUNTING HOURS\*  
September 1, 1992 to January 31, 1993

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Tue. Sept. 1 - Sun. Sept. 6	6:00	7:45	5:50	7:35
Mon. Sept. 7 - Sun. Sept. 13	6:10	7:35	6:00	7:20

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Mon. Sept. 14 – Sun. Sept. 20	6:20	7:20	6:05	7:05
Mon. Sept. 21 – Sun. Sept. 27	6:30	7:05	6:15	6:50
Mon. Sept. 28 – Sun. Oct. 4	6:40	6:50	6:25	6:35
Mon. Oct. 5 – Sun. Oct. 11	6:45	6:35	6:25	6:25
Mon. Oct. 12 – Fri. Oct. 16	6:55	6:20	6:45	6:10
Opening** Sat. Oct. 17	6:55	6:20	6:35	6:25
Weekend Sun. Oct. 18	6:55	6:20	6:35	6:25
Mon. Oct. 19 – Sat. Oct. 24	7:05	6:10	6:55	6:00
Pacific Standard Time				
Sun. Oct. 25	6:10	5:00	6:00	4:50
Mon. Oct. 26 – Sun. Nov. 1	6:20	4:55	6:05	4:45
Mon. Nov. 2 – Sun. Nov. 8	6:30	4:45	6:15	4:35
Mon. Nov. 9 – Sun. Nov. 15	6:40	4:35	6:30	4:25
Mon. Nov. 16 – Sun. Nov. 22	6:50	4:30	6:40	4:15
Mon. Nov. 23 – Sun. Nov. 29	7:00	4:25	6:50	4:10
Mon. Nov. 30 – Sun. Dec. 6	7:10	4:20	6:55	4:10
Mon. Dec. 7 – Sun. Dec. 13	7:15	4:20	7:05	4:05
Mon. Dec. 14 – Sun. Dec. 20	7:20	4:20	7:10	4:10
Mon. Dec. 21 – Sun. Dec. 27	7:25	4:20	7:15	4:10
Mon. Dec. 28 – Sun. Jan. 3	7:25	4:30	7:15	4:15
Mon. Jan. 4 – Sun. Jan. 10	7:25	4:35	7:15	4:25
Mon. Jan. 11 – Sun. Jan. 17	7:25	4:45	7:10	4:30
Mon. Jan. 18 – Sun. Jan. 24	7:20	4:55	7:05	4:40
Mon. Jan. 25 – Sun. Jan. 31	7:10	5:00	7:00	4:50

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Open Day – In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m. Exceptions:

- 1) Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington – Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat, raccoon, and coyote are exempt from hunting hour restrictions during established bobcat, raccoon, and coyote seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

**1993-94 OFFICIAL HUNTING HOURS\***  
September 1, 1993 to January 31, 1994

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Wed. Sept. 1 – Sun. Sept. 5	6:00	7:45	5:45	7:35
Mon. Sept. 6 – Sun. Sept. 12	6:05	7:35	5:50	7:20
Mon. Sept. 13 – Sun. Sept. 19	6:15	7:20	6:05	7:10
Mon. Sept. 20 – Sun. Sept. 26	6:25	7:10	6:15	6:50
Mon. Sept. 27 – Sun. Oct. 3	6:35	6:50	6:25	6:40
Mon. Oct. 4 – Sun. Oct. 10	6:45	6:40	6:35	6:25
Mon. Oct. 11 – Fri. Oct. 15	6:50	6:25	6:45	6:15
Opening** Sat. Oct. 16	6:50	6:25	6:45	6:15
Weekend Sun. Oct. 17	6:50	6:25	6:45	6:15
Mon. Oct. 18 – Sun. Oct. 24	7:05	6:15	6:55	6:00
Mon. Oct. 25 – Sat. Oct. 30	7:15	6:00	7:05	5:45
Pacific Standard Time				
Sun. Oct. 31 – Sun. Nov. 7	6:25	4:45	6:15	4:35
Mon. Nov. 8 – Sun. Nov. 14	6:35	4:40	6:25	4:25
Mon. Nov. 15 – Sun. Nov. 21	6:50	4:30	6:35	4:20
Mon. Nov. 22 – Sun. Nov. 28	7:00	4:25	6:45	4:10
Mon. Nov. 29 – Sun. Dec. 5	7:05	4:20	6:50	4:10
Mon. Dec. 6 – Sun. Dec. 12	7:10	4:20	7:00	4:05
Mon. Dec. 13 – Sun. Dec. 19	7:20	4:20	7:05	4:05
Mon. Dec. 20 – Sun. Dec. 26	7:25	4:25	7:10	4:10
Mon. Dec. 27 – Sun. Jan. 2	7:30	4:25	7:15	4:15
Mon. Jan. 3 – Sun. Jan. 9	7:30	4:35	7:15	4:20
Mon. Jan. 10 – Sun. Jan. 16	7:25	4:40	7:10	4:30
Mon. Jan. 17 – Sun. Jan. 23	7:20	4:50	7:05	4:45
Mon. Jan. 24 – Mon. Jan. 31	7:15	5:00	7:00	4:50

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Open Day – In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m. Exceptions:

- 1) Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington – Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.

3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.

4) Bobcat, raccoon, and coyote are exempt from hunting hour restrictions during established bobcat, raccoon, and coyote seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.

5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Sept. 1-30 and Nov. 20-Dec. 14, 1991; Sept. 1-30 and Nov. 25-Dec. 14, 1992; Sept. 1-30 and Nov. 24-Dec. 14, 1993; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; and Sept. 1-Oct. 15, 1993.

OPEN SEASON

(Bobcat may be killed)

Oct. 12-31, 1991 and Dec. 15, 1991-Jan. 15, 1992; Oct. 17-31, 1992 and Dec. 15, 1992-Jan. 15, 1993; Oct. 16-31, 1993 and Dec. 15, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED in GMU 522.

OPEN SEASON

(Bobcat may be killed.)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-March 15, 1993; Oct. 16, 1993-March 15, 1994; except CLOSED in GMU 552.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt wildlife at night during any modern firearm deer or elk season.

It is unlawful to hunt game animals with dogs (hounds) in any area open to a centerfire rifle deer or elk season except for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	<u>1991</u>	<u>1992</u>	<u>1993</u>
GMUs 100-124.	Oct. 2-9	Oct. 7-14	Oct. 6-13
GMUs 127-185.	Nov. 14-21	Nov. 12-19	Nov. 11-18
GMUs 200-242.	Dec. 2-8	Dec. 7-13	Dec. 6-13
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 12-29	Oct. 17-Nov. 3	Oct. 16-Nov. 2
Whitman and Lincoln counties.	Oct. 26-Nov. 10	Oct. 31-Nov. 15	Oct. 30-Nov. 14
Chelan and Okanogan counties.	Dec. 1, 1991-Jan. 15, 1992	Dec. 1, 1992-Jan. 15, 1993	Dec. 1, 1993-Jan. 15, 1994

Western Washington

The Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

Oct. 12-Nov. 22, 1991; Oct. 17-Nov. 29, 1992; Oct. 16-Nov. 28, 1993; in GMU 405 (west of Highway 9), GMU 454, 627, and 633.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; except CLOSED to hound hunting in Walla and Columbia counties outside of Umatilla National Forest.

OPEN SEASON

(Raccoon may be killed)

Oct. 12, 1991-Jan. 15, 1992; Oct. 17, 1992-Jan. 15, 1993; Oct. 16, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-March 15, 1993; Oct. 16, 1993-March 15, 1994; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 12, 1991-March 15, 1992; Oct. 17, 1991-March 15, 1993; Oct. 16, 1993-March 15, 1994, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Bag and Possession Limits: No limits.

Statewide: Year-round; except CLOSED in GMU 522 and from Sept. 1-Nov. 30 in Pasayten Wilderness, Glacier Peak Wilderness, GMU 426, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker/Snoqualmie, Okanogan, and Wenatchee National Forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Forest Grouse may not be killed with centerfire rifles or centerfire pistols EXCEPT during modern firearm deer or elk seasons.

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1991, 1992, and 1993; except CLOSED in GMU 522.

UPLAND BIRDS

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 12-Dec. 31, 1991; Noon Oct. 17-Dec. 31, 1992; Noon Oct. 16-Dec. 31, 1993.

Chukar and Gray (Hungarian) Partridge

**Bag and Possession Limits:** Six (6) chukar or gray partridges per day, with a total of eighteen (18) chukar or gray partridges in possession at any time; straight or mixed bag.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 21-Oct. 11, 1991; Sept. 26-Oct. 16, 1992; Sept. 25-Oct. 15, 1993.

**Regular Season:** Noon Oct. 12, 1991 - Jan. 12, 1992; Noon Oct. 17, 1992 - Jan. 10, 1993; Noon Oct. 16, 1993 - Jan. 9, 1994.

#### Quail

**Bag and Possession Limits:** Ten (10) quail per day with a total of thirty (30) quail in possession at anytime.

Noon Oct. 12, 1991 - Jan. 12, 1992; Noon Oct. 17, 1992 - Jan. 10, 1993; Noon Oct. 16, 1993 - Jan. 9, 1994.

#### Western Washington

##### Ring-neck Pheasant

**Bag and Possession Limits:** Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants only on other than designated release sites.

Sept. 28-Nov. 30, 1991; Oct. 3-Nov. 30, 1992; and Oct. 2-Nov. 30, 1993; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 12, 1991; Oct. 17, 1992; Oct. 16, 1993; except CLOSED in GMU 522.

**Special Restriction:** Hunting is restricted on weekend mornings at Lake Terrell, Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) wildlife areas. Only hunters with western Washington upland bird licenses marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with western Washington upland bird licenses marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters 14 years of age or younger may hunt during either weekend day morning provided they are accompanied by an adult with appropriate hunting license number.

#### Quail

**Bag and Possession Limits:** Two (2) quail per day, with a total of four (4) quail in possession at any time.

Oct. 12-Nov. 30, 1991; Oct. 17-Nov. 30, 1992; Oct. 16-Nov. 30, 1993; except CLOSED in GMU 522.

#### TURKEY

**Bag and Possession Limit:** One (1) turkey of either sex per calendar year (Jan. 1-Dec. 31).

Klickitat and Skamania counties: Nov. 22-26, 1991; Nov. 20-24, 1992; Nov. 19-23, 1993.

**BIRD DOG TRAINING SEASON** Aug. 1, 1991-Mar. 15, 1992; Aug. 1, 1992-Mar. 15, 1993; and Aug. 1, 1993-Mar. 15, 1994, except from Sept. 30-Nov. 30 of each year, dog training is restricted from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites. Game birds may be taken only during established bird hunting seasons.

#### CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

**Bag and Possession Limits:** Two (2) Canada geese per day with a total of four (4) in possession at any time.

Sept. 1-10, 1991; Sept. 1-10, 1992; Sept. 1-10, 1993.

**Open Area:** Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington-Oregon border on the Interstate 5 bridge near Vancouver, Washington,

north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to the Washington-Oregon border on the Astoria-Megler bridge, upstream along the Washington-Oregon border to the point of origin.

**Permit Requirement:** All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1 of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 15, of the hunt year will be ineligible to participate in the following year September Canada goose season.

#### BAND-TAILED PIGEON

**Bag and possession limits:** Two (2) band-tailed pigeons per day and in possession at any time.

Western Washington: Sept. 21-29, 1991; Sept. 19-27, 1992; Sept. 18-26, 1993, except CLOSED in GMU 522.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1, of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 31 of the hunt year will be ineligible to participate in the following year band-tailed pigeon season.

#### MOURNING DOVE

**Bag and possession limits:** Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 during 1991, 1992, and 1993; except CLOSED in GMU 522.

#### RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

**Bag and Possession limits:** Ten (10) rabbits or hares per day with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994 except CLOSED in GMU 522.

#### Black-tailed Jackrabbit

**Bag limit:** Ten (10) Black-tailed jackrabbits per day with a total of thirty (30) in possession at any time.

Statewide: Year-around.

#### FALCONRY SEASONS

##### Upland Game Bird - Falconry

**Daily bag:** One (1) pheasant (either sex), three (3) partridge, five (5) quail, and one (1) forest grouse (blue, ruffed, spruce) per day.

Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994.

##### Rabbit and Hare - Falconry

**Daily bag:** Ten (10) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1991-March 15, 1992; Aug. 1, 1992-March 15, 1993; Aug. 1, 1993-March 15, 1994, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

#### TAG REQUIREMENT

It is unlawful to hunt game animals in modern firearm, archery, and muzzleloader deer or elk seasons without current valid licenses and unaltered and unnotched tags for hunting deer or elk, respectively.

**WSR 91-03-135**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**

[Filed January 23, 1991, 4:39 p.m.]

**Original Notice.**

**Title of Rule:** Adopting WAC 232-28-227, 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations.

**Purpose:** To establish 1991-92, 1992-93, and 1993-94 elk hunting seasons and regulations.

**Statutory Authority for Adoption:** RCW 77.12.040 and 77.04.055.

**Statute Being Implemented:** RCW 77.12.040 and 77.04.055.

**Summary:** This rule establishes the 1991-92, 1992-93, and 1993-94 hunting seasons and regulations. This rule allows for the traditional hunting of elk and to provide recreational opportunity.

**Reasons Supporting Proposal:** See Summary above.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and **Enforcement:** Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

**Name of Proponent:** Washington Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** See Summary above, in addition, this rule will establish hunting seasons for a three year period. This provides for increased agency efficiency by reducing annual staff costs associated with developing annual rules.

**Proposal does not change existing rules.**

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

**Hearing Location:** WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

**Submit Written Comments to:** Panela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

**Date of Intended Adoption:** March 8, 1991.

January 23, 1991

Pamela Madson

Administrative Rules Officer

**NEW SECTION**

**WAC 232-28-227 1991-92, 1992-93, 1993-94 ELK HUNTING SEASONS AND REGULATIONS**

**ELK SEASONS**

**Bag Limit:** One (1) elk per hunter during the annual (July 1-March 31) hunting season.

**Hunting Method:** Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

**Tag Required:** Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. (Archery elk hunters may hunt in any tag area in late seasons.)

**Bull Elk Seasons:** Open only to the taking of male elk with visible antlers (bull calves are illegal).

**Definition:** Visible Antler is defined as a horn-like growth projecting above the hairline.

**Spike Bull Restriction GMUs:** Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above the ears). An animal with branch antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

**Spike Only GMUs: 145-185.**

**Branched Antler Restriction GMUs:** Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

**3 Point GMUs:** 418, 460, 466, 472, 478, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, 681; and GMUs 157 and 485 by permit only.

**Special Permits:** Only modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. EXCEPT Blue Mountain archery tag holders and early modern firearm tag holders may apply for bull permits in the Blue Mountains. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag. Hunters drawn for bull permits in the Blue Mountains may hunt bulls during the following season for their user group. Modern Firearm - during early Blue Mountain season. Archery - during early Blue Mountain archery season. Muzzleloader during any Blue Mountain muzzleloader season.

**Modern Firearm Elk Information**

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits.

It is unlawful to hunt wild animals during a modern firearm elk season unless a valid tag for hunting elk is in possession. If deer and elk seasons are open concurrently, the proper tags and license for either are sufficient.

**Tag Required:** Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

**Hunting Method:** May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

**Modern Firearm Elk Seasons**

**Legal Elk:** Male elk with visible antlers are legal throughout the state except in GMUs 145-185 only spike bull restrictions apply and in branched-antler areas branched antler restrictions apply.

**Blue Mountains - Open Area:** 100 series GMUs; GMU 157 limited to permit hunters only. GMUs 145-185 are spike bull only, except by permit.

BE - Blue Mountain Early Tag  
 BL - Blue Mountain Late Tag  
 BA - Blue Mountain Archery Tag  
 BM - Blue Mountain Muzzleloader Tag

**Colockum - Open Area:** GMUs 300, 301, 302, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

CE - Colockum Early Tag  
 CL - Colockum Late Tag  
 CA - Colockum Archery Tag  
 CM - Colockum Muzzleloader Tag

**Yakima - Open Area:** GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 South of I-90 (modern firearm restrictions in GMU 334).

YE - Yakima Early Tag  
 YL - Yakima Late Tag  
 YA - Yakima Archery Tag  
 YM - Yakima Muzzleloader Tag

**Western Washington - Open Area:** All 400, 500, and 600 GMUs except closed in GMUs 522. Permit only in GMUs 472, 485, 524, 554, 556, and 602.



WE - Western Washington Early Tag  
 WL - Western Washington Late Tag  
 WA - Western Washington Archery Tag  
 WM - Western Washington Muzzleloader Tag

	Year		
	1991	1992	1993
<b>Blue Mountains</b>			
BE - Blue Mountains Early Elk Tag	Oct. 30-Nov. 10	Oct. 28-Nov. 8	Oct. 27-Nov. 7
BL - Blue Mountains Late Elk Tag	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7
<b>Colockum</b>			
CE - Colockum Early Elk Tag	Oct. 23-29	Oct. 28-Nov. 3	Oct. 27-Nov. 2
CL - Colockum Late Elk Tag	Oct. 26-29	Oct. 31-Nov. 3	Oct. 30-Nov. 2
<b>Yakima</b>			
YE - Yakima Early Elk Tag	Nov. 5-13	Nov. 5-13	Nov. 5-13
YL - Yakima Late Elk Tag	Nov. 8-13	Nov. 8-13	Nov. 8-13

	Year		
Western Washington	1991	1992	1993
WE - Western Washington Early Elk Tag	Nov. 6-17	Nov. 4-15	Nov. 3-14
WL - Western Washington Late Elk Tag	Nov. 9-17	Nov. 7-15	Nov. 6-14

**Archery Elk Seasons**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can only hunt during archery seasons. Only Blue Mountain archers may apply for Blue Mountains bull archery permits. If drawn, archers must hunt with archery equipment and only during the permit archery seasons.

**Early Archery Elk Season**

Tag Required: Elk hunter must have a current, valid, unaltered unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100-118 121-142	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
145-154, 160-169, 175-185	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Antlerless or spike only
300, 306-308 316-334*	CA	Oct. 5-11	Oct. 6-14	Oct. 6-14	Either sex
334**, 335, 336-340, 352-356, 364, 370	YA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
405-466 478, 490, 504, 505, 510, 512, 514, 516, 520, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588-601, 607, 615, 618, 638-663, 667, 669, 678, 681	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex except antlerless or 3 pt. min. in GMUs 418, 460, 466, 478, 490, 530, 558, 572, 601, 607, 638, 639 and 681.
484		Sept. 28-Oct. 4	Oct. 1-7	Oct. 1-7	Either sex
472, 621		Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	3-Pt. min.
Bow Area 802		Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex

\* That part of GMU 334 north of Interstate 90.  
 \*\* That part of GMU 334 south of Interstate 90.

**Late Archery Elk Seasons**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates			Legal Elk
	1991	1992	1993	
118	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
166	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Antlerless only
328*, 334, 336, 346, 352	Nov. 27-Dec. 8	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Either sex

GMUs	Dates			Legal Elk
	1991	1992	1993	
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
506, 530, 638, 681**	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Antlerless or 3-pt. min.
636	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	3 Pt. min.
* Portion of GMU 328 in the Caribou and Reeser elk areas will overlap with modern firearm permit hunt				
** (Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallcut River.)				
<b>Bow Areas</b>				
802	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 6	Nov. 23-Dec. 5	Either sex
808	Feb. 1-7, 1992	Feb. 1-7, 1993	Feb. 1-7, 1994	Either sex
831	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Antlerless or 3-pt. min.

Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons, if eligible.

Muzzleloader Early Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
172	BM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Spike bull only
302	CM, YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
314*	CM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
368	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
603, 612	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
460, 506, 636	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	3-Pt. min.
484, 501, 564, 684	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex
Muzzleloader Area 910	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex

\* Closed in that portion of GMU 314 north of the Colockum Pass Road (Road 10) and Naneum Ridge Road (Road 9) and east and south of the Ingersol Road (Road 1).

Muzzleloader Late Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
184	BM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Antlerless only
484	WM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
501, 505, 568, 574, 576, 580, 586	WM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
504, 550	WM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Bull only
601	WM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	3-Pt. bull min.
684	WM	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
Elk Area 003	CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only
Muzzleloader Areas 908	WM	Jan 1-31, 1992	Jan 1-31, 1993	Jan 1-31, 1994	Either sex
910	YM	Nov. 17-Dec. 8	Nov. 17-Dec. 6	Nov. 17-Dec. 5	Antlerless only
944	YM	Nov. 17-20	Nov. 17-20	Nov. 17-20	Either sex.

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100, 103, 105, 108, 121, 124 west of SR 395, 127, 130, 133, 136	BE, BL	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Either sex
178	BE, BL	Nov. 9-10	Nov. 7-8	Nov. 6-7	Antlerless or spike bull only
200-284	Any Elk Tag	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Either sex
370	CM, YE, YL, YM	Nov. 1-30	Nov. 1-30	Nov. 1-30	Either sex
501	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
564*	WA, WM, WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
568, 574, 576, 586, 588	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
Elk Areas 004	CE, CL, CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only

\* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within 10 days after taking an elk.

Tag requirement: It is unlawful to hunt game animals in general modern firearm, archery, and muzzleloader elk seasons without current valid licenses and unaltered and unnotched tags for hunting elk.

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

**WSR 91-03-136**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Filed January 23, 1991, 4:42 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61817, 1990-92 Washington game fish seasons and catch limits—Tolt and Snoqualmie rivers; and repealing WAC 232-28-61810, 1990-92 Washington game fish seasons and catch limits—Tolt River.

Purpose: To protect Tolt River wild summer-run steelhead from being harvested as they migrate through the Snoqualmie and mainstem Tolt rivers. This regulation will also provide a sanctuary for wild summer-runs when they reach their spawning grounds in the north and south forks of the Tolt River.

Statutory Authority for Adoption: RCW 77.12.040 and 77.04.055.

Statute Being Implemented: RCW 77.12.040 and 77.04.055.

Summary: This regulation would prohibit the use of bait and restrict the harvest of steelhead in the Snoqualmie and Tolt rivers to hatchery steelhead (those with adipose or ventral fin clips) from June 1 - November 30. It would close the anadromous zones of the north and south forks of the Tolt River to all fishing.

A small portion of the Tolt mainstem below the confluence of the forks would also be closed.

Reasons Supporting Proposal: Available information indicates that the Tolt River wild summer steelhead run is severely depressed. The minimum escapement goal for wild summer steelhead in the Tolt River is 120 fish. No complete escapement estimates have been made but counts made via snorkeling surveys indicate very few wild fish escaping to spawn in the forks. The entire wild run entering the Tolt River is estimated to be only 100 fish. Wild summer steelhead are also taken in the Snoqualmie River (average catch in the last four seasons has been 150) and a portion, if not the majority, of these fish are bound for the Tolt River. Restricting harvest on the mainstem Snoqualmie and Tolt should substantially increase Tolt River wild summer steelhead escapement.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, AD, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will restrict the harvest of summer steelhead in the Snoqualmie and Tolt rivers to hatchery steelhead only and will close a small portion of the Tolt mainstem and the north and south forks to all fishing. This action should substantially increase the number of wild summer steelhead spawning in the Tolt and allow the run to rebuild. Sport catch will be reduced by an average of 65 wild summer steelhead on the Tolt and 150 on the Snoqualmie.

Proposal does not change existing rules.

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

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Pamela K. Madson

Administrative Rules Officer

NEW SECTION

WAC 232-28-61817 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS-TOLT AND SNOQUALMIE RIVERS. Notwithstanding the provisions of WAC 232-28-618, the following regulations apply to the game fish season for the Tolt and Snoqualmie rivers:

TOLT RIVER, from its mouth to the USGS trolley cable at the confluence of the North and South Forks: June 1 - last day of Feb. season. TROUT - catch limit - 2, min. lgth. 12". WILD STEELHEAD RELEASE AND BAIT PROHIBITED, June 1-Nov. 30, see page 5.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: CLOSED WATERS.

North Fork above Yellow Creek and the South Fork above the dam: June 1-Oct. 31 season. TROUT - catch limit - 2, min. lgth. 12". BAIT PROHIBITED.

SNOQUALMIE RIVER, from its mouth to the falls: June 1 - Mar. 31 season. TROUT - catch limit - 2, min. lgth. 12". WILD STEELHEAD RELEASE AND BAIT PROHIBITED, June 1 - Nov. 30, see page 5. Fishing from any floating device prohibited Nov. 1 - Mar. 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about 1/4 mile. NOTE: Waters within the Puget Power tunnel at the falls are CLOSED.

From Snoqualmie Falls, including the North and South Forks: TROUT - catch limit - 2, min. lgth. 12". BAIT PROHIBITED. Additional Nov. 1-last day of Feb. season for WHITEFISH only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-Release Only, Selective Fishery Regulations, see page 5.

REPEALER

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

WAC 232-28-61810 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - TOLT RIVER

**WSR 91-03-137**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Filed January 23, 1991, 4:45 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-055 Hunting-Hunter orange clothing requirements.

Purpose: The purpose of this regulation is to clarify the requirement for hunter orange clothing for certain types of upland game bird and big game hunting, effective September 1, 1991.

Firearm-related hunting accident statistics for Washington indicate that misidentification and other vision-related causes (victim in line of fire, victim covered by shooter swinging on game, etc.) are the major contributing causes of accidents. Accidents involving big game and upland bird hunting together comprise the majority of firearm-related hunting accidents.

There is no upper limit or other controlling mechanism regulating the number of hunters in the field during general hunting seasons. Although the use of fluorescent hunter orange clothing does not limit hunter numbers, it does serve as a valuable aid in increasing hunter visibility while in the field.

The required use of hunter orange is expected to reduce certain categories of firearms-related hunting accidents. The experience of other states which require hunter orange clothing for hunters generally shows a significant reduction in firearm-related hunting accidents.

Statutory Authority for Adoption: RCW 77.12.010 and 77.12.040.

Statute Being Implemented: RCW 77.12.010 and 77.12.040.

Summary: Amends WAC 232-12-055 as follows: WAC 232-12-055 Hunting - Hunter orange clothing requirements

AMENDATORY SECTION (Amending Order 467, filed 11/05/90)

WAC 232-12-055 Hunting - Hunter orange clothing requirements

Effective September 1, 1991

1) Except as authorized in section (4)(a), it is unlawful to hunt ((~~upland birds with modern firearms~~)) pheasants, quail, partridge or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

2) Except as authorized in section (4)(b), it is unlawful to hunt deer or elk ((~~during the modern firearms seasons~~)) in any manner unless the hunter is wearing fluorescent hunter orange clothing.

3) Except as authorized in section (4)(b), it is unlawful to hunt bear, bobcat, raccoon, fox, coyote, rabbit, or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

4) (A) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

(B) Persons who possess a valid muzzleloader or archery deer or elk tag are not required to wear fluorescent hunter orange clothing.

5) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

This regulation will take effect with the 1991 fall hunting season.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Pamela Madson, Administrative Rules Officer, Olympia, (206) 586-6212; Implementation and Enforcement: Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: To be effective September 1, 1991.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will clarify the requirement for hunter orange clothing for certain types of upland bird and big game hunting, effective September 1, 1991.

The department presently has a hunter orange clothing requirement on designated pheasant release areas (see WAC 232-28-414, 1990-1991 Upland bird and migratory waterfowl seasons).

Proposal Changes the Following Existing Rules: See Summary and Explanation of Rule above.

#### Small Business Economic Impact Statement

1. Brief description of reporting, recordkeeping and other compliance requirements of the proposed rule: None

2. Professional services needed in order to comply with the proposed rule: Small businesses in the wholesale and retail sporting goods industry will need to contact

manufacturers and distributors to order and make available for public sale garments which meet the requirement for fluorescent hunter orange clothing. Small business may need to contact manufacturers and their distributors to determine what to do with hunting garments that do not include fluorescent hunter orange. There is no compliance requirement for small business to order and make available for public sale any fluorescent hunter orange clothing.

3. Costs of compliance for small business under the proposed rule: There are no equipment costs anticipated for small business under the proposed rules. New supplies of vests, shirts, jackets and caps which contain fluorescent hunter orange will be required. However, small business is not required to order and make available for sale any garments under the proposed rule. Previous inventory (vests, shirts, jackets and caps) not containing the required amount of fluorescent hunter orange identified in the proposed rule may need to be liquidated if customers express a preference for the fluorescent hunter orange garments over other types of hunting garments. There are no increased labor or administrative costs for small business anticipated under the proposed rule.

4. Comparison of cost of compliance: The proposed rule is estimated to affect large and small businesses in the wholesale/retail sporting goods industry in the same proportion. Supply costs for new product and liquidation of product on-hand will not be affected by the proposed rule.

Impact of proposed regulation: Resource management: None; financial impact: Small business economic impact statement is required and filed with Code Reviser's Office.

Hearing Location: WestCoast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

Submit Written Comments to: Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Pamela Madson  
Administrative Rules Officer

#### AMENDATORY SECTION (Amending Order 467, filed 11/5/90)

WAC 232-12-055 HUNTING - HUNTER ORANGE CLOTHING REQUIREMENTS Effective September 1, 1991:

1) Except as authorized in section (4)(a), it is unlawful to hunt ((~~upland birds with modern firearms~~)) pheasants, quail, partridge or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

2) Except as authorized in section (4)(b), it is unlawful to hunt deer or elk ((~~during the modern firearms seasons~~)) in any manner unless the hunter is wearing fluorescent hunter orange clothing.

3) Except as authorized in section (4)(b), it is unlawful to hunt bear, bobcat, raccoon, fox, coyote, rabbit, or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

4) (A) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

5) (B) Persons who possess a valid muzzleloader or archery deer or elk tag are not required to wear fluorescent hunter orange clothing.

Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

**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.

**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 91-03-138**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Filed January 23, 1991, 4:46 p.m.]

**Original Notice.**

**Title of Rule:** Adopting WAC 232-28-226, 1991-92, 1992-93, 1993-94 Deer and bear hunting seasons and regulations.

**Purpose:** To establish 1991-92, 1992-93, and 1993-94 deer and bear hunting seasons and regulations.

**Statutory Authority for Adoption:** RCW 77.12.040 and 77.04.055.

**Statute Being Implemented:** RCW 77.12.040 and 77.04.055.

**Summary:** This rule establishes the 1991-92, 1992-93, and 1993-94 deer hunting seasons and regulations which allow for the traditional hunting of deer and bear and to provide recreational opportunity.

**Reasons Supporting Proposal:** See Summary above.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Tom Juelson, AD, Wildlife Management Division, Olympia, (206) 753-5728; and **Enforcement:** Dan Wyckoff, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

**Name of Proponent:** Washington Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** See Summary above, in addition, this rule will establish hunting seasons for a three year period. This provides for increased agency efficiency by reducing annual staff costs associated with developing annual rules.

Proposal does not change existing rules.

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

**Hearing Location:** West Coast Ridpath Hotel, West 515 Sprague, Spokane, WA 99204-0367, on March 8-9, 1991, at 8:00 a.m.

**Submit Written Comments to:** Pamela Madson, 600 Capitol Way North, Olympia, WA 98501-1091, by February 26, 1991.

**Date of Intended Adoption:** March 8, 1991.

January 23, 1991  
 Pamela Madson  
 Administrative Rules Officer

NEW SECTION

WAC 232-28-226 1991-92, 1992-93, 1993-94 DEER AND BEAR HUNTING SEASONS AND REGULATIONS  
 DEER

**Bag Limit:** One (1) deer per hunter during an annual (July 1-March 31) hunting season.

**Hunting Method:** Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

**Buck Deer Seasons:** Open only to the taking of male deer with visible antlers (buck fawns illegal).

**Definition:** Visible antler is a horn-like growth projecting above the hairline.

**Branched Antler Restriction GMUs:** APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 103, 203, 231, 306, and 450.

3 Point restriction for mule deer in the following GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, and 185.

Modern Firearm Deer Seasons

**Tag Required:** Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

**Hunting Method:** Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

**Tag Required:** Deer Hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
Northeastern 100	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only
103	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	3 Pt. min.
105-124	Oct. 12-Nov. 22	Oct. 17-Nov. 22	Oct. 16-Nov. 21	Buck only
Southeastern 127-185 Except closed in 157	Oct. 12-20	Oct. 17-25	Oct. 16-24	Mule deer- 3-pt. min. whitetail - any buck
Okanogan 200-242	Oct. 12-Nov. 1	Oct. 17-31	Oct. 16-30	Buck only except 3 pt. min. in GMU 203 and 231.
Columbia Basin 248-278, 284 281	Oct. 12-20 Oct. 12-20	Oct. 17-25 Oct. 17-25	Oct. 16-24 Oct. 16-24	Buck only Either sex
Chelan 300-316	Oct. 12-Nov. 8	Oct. 17-Nov. 13	Oct. 16-Nov. 12	Buck only except 3 pt. min. in GMU 306
Colockum and Central 328-334 335-370	Oct. 12-23 Oct. 12-29	Oct. 17-24 Oct. 17-Nov. 3	Oct. 16-23 Oct. 16-Nov. 2	Buck only Buck only
Western 400-572 Closed on 522 Permit only in 485	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, and 558
574, 576 580	Oct. 12-Nov. 10 Oct. 12-27	Oct. 17-Nov. 15 Oct. 17-Nov. 1	Oct. 16-Nov. 14 Oct. 16-31	2-Pt. min. buck only
584, 586, 588 600-684	Oct. 12-Nov. 10 Oct. 12-27	Oct. 17-Nov. 15 Oct. 17-Nov. 1	Oct. 16-Nov. 4 Oct. 16-31	2 pt. min. buck only except 2 pt. min. in GMUs 636 and 681

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer, elk, or cougar tag on the hunter's person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588.	Nov. 21-24	Nov. 19-22	Nov. 18-21	Any buck except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410.

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
100-118, 121-154, 160-169, 175-200, 206, 215-239, 248-300, 306, 308, 316-340, 352-356, 364, 370, 405-422, 454-478, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554-560, 568-588, 601, 602, 607, 615, 618, 621, 627-633, 638, 639, 642-663, 667-669, 678, 681	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex except 3 pt. or antlerless in GMUs 103, 127-185, 231, and 306, and 2 pt. or antlerless in GMUs 433, 478, 558, 574, 576, 584, 586, 588, and 681.
203, 301, 450	Sept. 15-Oct. 8	Sept. 15-Oct. 13	Sept. 15-Oct. 12	3 Pt. min. or antlerless only for GMUs 203, 301, and 450.
302	Sept. 15-24	Sept. 15-29	Sept. 15-28	3 Pt. min. or antlerless
119, 172, 242, 304, 360, 448, 484, 564, 603, 612, 624, 636, 666, 672, 684	Sept. 11-24	Sept. 16-29	Sept. 15-28	Either sex except 2 pt. or antlerless in GMU 636.
501, 506	Sept. 11-Oct. 1	Sept. 16-Oct. 6	Sept. 15-Oct. 5	Either sex
480	Sept. 27-Oct. 8	Sept. 25-Oct. 6	Oct. 1-12	Either sex
Bow Area 802	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex

Late Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
103	Nov. 13-Dec. 8	Nov. 11-Dec. 6	Nov. 10-Dec. 5	Whitetail only antlerless or 3-pt. min.
118, 121, 124	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Whitetail only; either sex
127, 166, 178	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Whitetail - antlerless or 3 pt. min.; mule deer-antlerless only
209, 215, 233, 242, 272	Nov. 20-Dec. 1	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Either sex
300, 304, 316, 346, 352, 364	Nov. 27-Dec. 8	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Either sex
584, 588	Nov. 27-Dec. 8	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Antlerless or 2-pt. min.



GMUs	Dates			Legal Deer
	1991	1992	1993	
418, 426, 433, 440, 448, 450, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 558, 560, 572, 601, 607, 612, 615, 618, 636, 638, 639, 648, 666, 669, 678, 681	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex except 2 pt. min. in GMUs 433, 558, 636, and 681.

Bow Areas	Dates			Legal Deer
	1991	1992	1993	
802	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Either sex
820	Dec. 21-Jan. 5, 1992	Dec. 26-Jan. 10, 1993	Dec. 25-Jan. 9, 1994	Either sex

Extended Late Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 667, 672	Nov. 27-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Either sex

\* Submarine Base Bangor within GMU 627 is antlerless only.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits.

High Buck Hunt

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt min.

Early Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
119, 209, 242, 302, 304, 360, 368, 564, 666	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Either sex
506	Oct. 2-8	Oct. 7-13	Oct. 6-12	Buck only
484, 603, 612, 624, 672	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Buck only

Late Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
113	Nov. 27-Dec. 11	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Whitetail only either sex

GMUs	Dates			Legal Deer
	1991	1992	1993	
181	Nov. 27-Dec. 11	Nov. 25-Dec. 6	Nov. 24-Dec. 5	Whitetail- antlerless or 3 pt. min.; mule deer- antlerless only
304	Nov. 9-17	Nov. 14-22	Nov. 13-21	Buck only
410	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
478	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Antlerless or 2-pt. min.
504	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
550, 580	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Buck only
576, 586	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	2-Pt. min.
602, 633	Nov. 27-Dec. 11	Nov. 25-Dec. 13	Nov. 24-Dec. 12	Either sex
651, 684				
Muzzleloader Area 925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only

**Firearm Restricted Deer Hunts Open To All Deer Hunters**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.  
Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	Dates			Legal Deer
		1991	1992	1993	
410	Archery, Shotgun, Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
480	Archery, Shotgun, Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 21-Dec. 11	Nov. 19-Dec. 13	Nov. 18-Dec. 12	Either sex
625	Archery, Shotgun	Sept. 14-Dec. 11	Sept. 19-Dec. 13	Sept. 18-Dec. 12	Either sex

**BLACK BEAR**

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day, preceding deer firearm season opener. Actual dates are: Oct. 11, 1991; Oct. 16, 1992; Oct. 15, 1993.

**PURSUIT ONLY SEASON**

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured.

Aug. 1-31, 1991, 1992, and 1993, in GMUs 100-112, 118-124 and GMUs 200 and 206.

**OPEN SEASON**

(Bear may be killed.)  
Eastern Washington\*

Sept. 1-Oct. 25, 1991, 1992, and 1993, except CLOSED to hunting with hounds Sept. 1-Oct. 20, 1991, Sept. 1-Oct. 18, 1992, Sept. 1-Oct. 17, 1993, in Walla Walla and Columbia counties outside of Umatilla National Forest and CLOSED to hunting with hounds Sept. 1-5 in GMUs 203, 218, 224, 231, 239, and 242.

\* Use of hounds and bait prohibited in GMU 113 throughout the year. Use of bait prohibited in Walla Walla and Columbia counties throughout the year.

**Western Washington**

Aug. 1-Oct. 27, 1991; Aug. 1-Oct. 25, 1992; Aug. 1-Oct. 31, 1993, EXCEPT Sept. 1-Oct. 27, 1991; Sept. 1-Oct. 25, 1992; Sept. 1-Oct. 31, 1993; in GMUs 669, 678, and 681 and Sept. 14-Oct. 27, 1991; Sept. 19-Oct. 25, 1992; and Sept. 18-Oct. 31, 1993, in Bow Area 802. CLOSED in GMUs 485 and 522.

\*GMU 460 hunting limited by written authorization

**HOUND HUNTING CLOSURES**

Use of hounds is prohibited in GMU 113, 684, and Bow Area 802.

**TOOTH SUBMITTAL**

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper and lower jaw for age determination. Tooth envelopes are available from Department of Wildlife regional offices.

**REPORT CARDS**

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within ten days after taking a deer or bear.

**TAG REQUIREMENT**

It is unlawful to hunt game animals in modern firearm, archery, and muzzleloader deer seasons without current valid licenses and unaltered and unnotched tags for hunting deer.

**QUALITY TAG**

In 1992 and 1993 any hunter desiring to hunt bucks in branched antler units must purchase a quality tag. Quality tag holders can hunt during modern firearm, archery, and muzzleloaders seasons but equipment is limited by that hunting season equipment restriction. Quality tag holders can hunt only for branched antler bucks in any hunt throughout the calendar year. It is unlawful to hunt in a branched antler buck area without a quality tag.

**WSR 91-03-139**

**EMERGENCY RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-01—Filed January 23, 1991, 4:48 p.m.]

Date of Adoption: January 23, 1991.

Purpose: This rule implements the collection of a \$35.00 annual fee from known and potential hazardous waste generators.

Citation of Existing Rules Affected by this Order: Repealing Chapter 173-305 WAC.

Statutory Authority for Adoption: ESHB 2390, chapter 114, Laws of 1990.

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 emergency rule filed on September 27, 1990, WSR 90-20-054 is due to expire. The permanent rule filed on November 6, 1990, WSR 90-22-086 with intended adoption on April 1, 1991, is not yet in place. It is therefore necessary to file another emergency rule.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule is identical to an emergency rule filed on September 27, 1990. The Administrative Procedure Act allows the adoption of additional emergency rules if the agency has filed notice of its intent to adopt the rule as a permanent rule and is actively working toward this end.

Effective Date of Rule: Immediately.

January 23, 1991

Fred Olson

Deputy Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-305-010 PURPOSE.
- WAC 173-305-015 APPLICABILITY.
- WAC 173-305-020 DEFINITIONS.
- WAC 173-305-030 GENERATOR FEES.
- WAC 173-305-040 SCHEDULE OF GENERATOR FEES.
- WAC 173-305-050 COORDINATION WITH THE DEPARTMENT OF REVENUE.
- WAC 173-305-060 FACILITY FEES.
- WAC 173-305-070 SCHEDULE OF FACILITY FEES.

WAC 173-305-080 ASSESSMENTS FOR COMBINED SITES.

WAC 173-305-090 ADJUSTMENT OF FEES AND LIMITS.

Chapter 173-305 WAC

HAZARDOUS WASTE FEE REGULATION

**NEW SECTION**

WAC 173-305-01001 PURPOSE. This chapter implements the provisions of RCW 70.95E.010 through 70.95E.020 and 70.95E.040 through 70.95E.100, establishing a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state. The purpose of this chapter is to describe to whom the base fee will be assessed, the amount of the base fee, provisions for exemption from and enforcement of base fee assessments, responsibilities of the departments of ecology and revenue, and procedures for adjusting the base fee. Copies of all rules, regulations, or statutes cited in this chapter are available for inspection at the Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

**NEW SECTION**

WAC 173-305-01501 APPLICABILITY. The requirements of WAC 173-305-01001 through 173-305-07001 apply to all persons who are known or potential generators, including state and local entities as well as instrumentalities of the United States.

**NEW SECTION**

WAC 173-305-02001 DEFINITIONS. Any terms not specifically defined in this section shall, for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

(1) "Additional fee" means the annual fee imposed under chapter 70.95E RCW against hazardous waste generators and hazardous substance users required to prepare plans.

(2) "Base fee" means the annual fee imposed under chapter 70.95E RCW against known and potential generators of hazardous waste doing business in the state of Washington.

(3) "Business activities" means activities of any person who is "engaging in business" as the term is defined in chapters 82.04 and 82.16 RCW.

(4) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

Dangerous wastes shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

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

(6) "Emissions" means the substances released to the environment which must be reported under Toxic Chemical Release Reporting, 40 CFR Part 372.

(7) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage and/or disposal facility.

(8) "Extremely hazardous waste" means any dangerous waste which:

(a) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form;

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

(ii) Is highly toxic to man and wildlife;

(b) If disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

Extremely hazardous waste shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(9) "Facility" means any geographical area that has been assigned as EPA/state identification number or in the case of a hazardous substance user, means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person.

(10) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components.

(12) "Interrelated facility" means multiple facilities owned or operated by the same person.

(13) "Known generators" means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous waste regulated under chapter 70.105 RCW.

(14) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(15) "Plan" means the plan provided for in RCW 70.95C.200.

(16) "Potential generators" means all persons whose primary business activities are identified by the department to be likely or possible to generate any quantity of hazardous wastes.

(17) "Price deflator" means the United States department of commerce bureau of economic analysis, "Implicit Price Deflator for Gross National Product" for "Government Purchases of Goods and Services," for "State and Local Government."

(18) "Primary business activity" means a business activity which accounts for more than fifty percent of a business' total gross receipts or in the case of more than two business activities, the activity which accounts for the largest gross receipts. Where a business engages in multiple activities and one or more of those activities generate hazardous waste, the gross receipts from all waste generating activities will be combined to determine their ratio to the total gross receipts of the business.

(19) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

(a) Use constituting disposal;

(b) Incineration; or

(c) Use as a fuel.

(20) "Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

(21) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

#### NEW SECTION

WAC 173-305-03001 FEES. (1) The fee imposed is a thirty-five dollar (or as adjusted by WAC 173-305-07001) annual fee payable by known and potential generators of hazardous waste. The fee for the 1990 fee period shall be due on October 1, 1990, for any known or potential generator operating in Washington after March 22, 1990. The fee for the 1991 calendar year, and the 1990 fee period for any known or potential generator who began business after October 1, 1990, shall be due February 28, 1992. The annual fee for calendar year 1992 and each calendar year thereafter shall be due on February 28 of the next succeeding year.

(2) The department will determine known generators based on the most current verified information available to the department.

(3) The department has determined potential generators to be those persons engaged in any of the following primary business activities:

Table 1

#### Primary Business Activities of Potential Generators

Primary business activities	Description
SOIL PREPARATION SERVICES:	Includes establishments primarily engaged in application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting such as weed control.
CROP PROTECTING SERVICES:	Includes establishments primarily engaged in performing crop protecting services such as disease, weed, and insect control.

**METAL MINING:** Includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals. These ores are valued chiefly for the metals contained, to be recovered for use as such or as constituents of alloys, chemicals, pigments, or other products. Includes mills which crush, grind, wash, dry, sinter, calcine, or leach ore, or perform gravity separation or flotation operations.

**GENERAL BUILDING CONTRACTORS:** Includes general contractors and operative builders primarily engaged in the construction of nonresidential buildings.

**HEAVY CONSTRUCTION, EXCLUDING BUILDINGS:** Includes general contractors primarily engaged in heavy construction other than building, such as highways and streets, bridges, sewers, railroads, irrigation projects, flood control projects and marine construction, and special trade contractors primarily engaged in activities of a type that are clearly specialized to such heavy construction and are not normally performed on buildings or building-related projects.

**PAINTING:** Includes special trade contractors primarily engaged in painting.

**FLOOR LAYING AND OTHER FLOOR WORK, NOT ELSEWHERE CLASSIFIED:** Includes special trade contractors primarily engaged in the installation of asphalt tile, linoleum, and resilient flooring, in laying, scraping, and finishing parquet and other hardwood flooring.

**CONCRETE WORK:** Includes special trade contractors primarily engaged in concrete work, including portland cement and asphalt.

**BEVERAGES:** Includes establishments primarily engaged in manufacturing malt beverages or malt byproducts; manufacturing wines, brandy, and brandy spirits including the blending of wines; manufacturing alcoholic liquors by distillation or by mixing liquors and other ingredients; manufacturing soft drinks and carbonated waters; and manufacturing flavoring extracts, syrups, powders, and related products.

**TEXTILE MILL PRODUCTS:** Includes establishments primarily engaged in performing any of the following operations: (1) Preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage; (2) manufacturing broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabrics, and knit apparel; (4) coating, waterproofing, or otherwise treating fabrics; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

**LOGGING:** Includes establishments primarily engaged in cutting timber and in producing rough, round, hewn, or riven primary forest or wood raw materials, or in producing wood chips in the field.

**SAWMILLS AND PLANING MILLS, GENERAL:** Includes establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or

resawing cants and flitches into lumber, including box lumber and softwood cut stock; planing mills combined with sawmills; and separately operated planing mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hogshead stock, wood chips, and snow fence lath.

**HARDWOOD DIMENSION AND FLOORING MILLS:** Includes establishments primarily engaged in manufacturing hardwood dimension lumber and workings therefrom; and other hardwood dimension, semifabricated or ready for assembly; hardwood flooring; and wood frames for household furniture.

**MILLWORK:** Includes establishments primarily engaged in manufacturing fabricated wood millwork, including wood millwork covered with materials such as metal and plastics. Planing mills primarily engaged in producing millwork are included in this industry.

**WOOD KITCHEN CABINETS:** Includes establishments primarily engaged in manufacturing wood kitchen cabinets and wood bathroom vanities, generally for permanent installation.

**HARDWOOD VENEER AND PLYWOOD:** Includes establishments primarily engaged in producing commercial hardwood veneer and those primarily engaged in manufacturing commercial plywood or prefinished hardwood plywood. This includes nonwood backed or faced veneer and nonwood faced plywood.

**SOFTWOOD VENEER AND PLYWOOD:** Includes establishments primarily engaged in producing commercial softwood veneer and plywood, from veneer produced in the same establishment or from purchased veneer.

**WOOD PRESERVING:** Includes establishments primarily engaged in treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. This industry also includes the cutting, treating, and selling of poles, posts and piling, but establishments primarily engaged in manufacturing other wood products, which they may also treat with preservatives, are not included.

**RECONSTITUTED WOOD PRODUCTS:** Includes establishments primarily engaged in manufacturing reconstituted wood products. Important products of this industry are hardboard, particleboard, insulation board, medium density fiberboard, waferboard, and oriented strandboard.

**WOOD PRODUCTS, NOT ELSEWHERE CLASSIFIED:** Includes establishments primarily engaged in manufacturing wood products, not elsewhere classified, and products from rattan, reed, splint, straw, veneer, veneer strips, wicker, and willow.

**FURNITURE AND FIXTURES:** Includes establishments primarily engaged in manufacturing household, office, public building, and restaurant furniture; and office and store fixtures.

**PAPER AND ALLIED PRODUCTS:** Includes establishments primarily engaged in the manufacture of pulps from wood and other cellulose fibers, and from rags, the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes. Also included are establishments primarily engaged in manufacturing bags of plastics film and sheet.

**PRINTING AND PUBLISHING:** Includes establishments primarily engaged in printing by one or more common processes, such as letterpress, lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and platemaking and also includes establishments engaged in publishing and printing newspapers, books, and periodicals.

**CHEMICALS AND ALLIED PRODUCTS:** Includes establishments primarily engaged in producing basic chemicals, and establishments manufacturing products by predominantly chemical processes.

**PETROLEUM REFINING AND RELATED INDUSTRIES:** Includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials.

**RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS:** Includes establishments primarily engaged in manufacturing products from plastics resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or butta siak.

**STONE, CLAY, AND GLASS PRODUCTS:** Includes establishments primarily engaged in manufacturing flat glass and other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand.

**PRIMARY METAL INDUSTRIES:** Includes establishments primarily engaged in smelting and refining ferrous and nonferrous metals from ore, pig, or scrap; in rolling, drawing, and alloying metals; in manufacturing castings and other basic metal products; and in manufacturing nails, spikes, and insulated wire and cable. This group includes the production of coke.

**FABRICATED METAL PRODUCTS:** Includes establishments primarily engaged in fabricating ferrous and nonferrous metal products, such as metal cans, tinware, handtools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, ordnance (except vehicles and guided missiles), and a variety of metal and wire products, not elsewhere classified.

**INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT:** Includes establishments primarily engaged in manufacturing industrial and commercial machinery and equipment and computers.

**ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT:** Includes establishments primarily engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included are the manufacturing of electricity distribution equipment; electrical industrial apparatus; household appliances; electrical lighting and writing equipment; radio and television receiving equipment; communications equipment; electronic components and accessories; and other electrical equipment and supplies.

**TRANSPORTATION EQUIPMENT:** Includes establishments primarily engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this major group include motor vehicles, aircraft, guided missiles, and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles.

**INSTRUMENTS; MEASURING, ANALYZING, AND CONTROLLING PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS:** Includes establishments primarily engaged in manufacturing instruments (including professional and scientific) for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks.

**JEWELRY, SILVERWARE, AND PLATED WARE:** Includes establishments primarily engaged in manufacturing jewelry and other articles made of precious metals with or without stones; and includes manufacturing flatware, hollowware, ecclesiastical ware, trophies, trays, and related products made of sterling silver, of metal plated with silver, gold, or other metal; of nickel silver, of pewter; or of stainless steel.

**TOYS AND SPORTING GOODS:** Includes establishments primarily engaged in manufacturing sporting and athletic goods such as fishing tackle, golf and tennis goods, skis and skiing equipment.

**SIGNS AND ADVERTISING SPECIALTIES:** Includes establishments primarily engaged in manufacturing electrical, mechanical, cutout, or plate signs and advertising displays, including neon signs, and advertising specialties.

**RAILROAD TRANSPORTATION:** Includes establishments furnishing transportation by line-haul railroad, and switching and terminal establishments.

**LOCAL AND INTERURBAN PASSENGER TRANSPORTATION:** Includes establishments primarily engaged in furnishing local and suburban passenger transportation.

**MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING:** Includes establishments furnishing local or long-distance trucking or transfer services, or those engaged in refrigerated storage of farm products. The operation of terminal facilities for handling freight, with or without maintenance facilities, is also included.

**WATER TRANSPORTATION:** Includes establishments primarily engaged in freight and passenger transportation on the open seas or inland waters, and establishments furnishing such incidental services as lighterage, towing, and canal operation. This major group also includes excursion boats, sightseeing boats, and water taxis.

**TRANSPORTATION BY AIR:** Includes establishments primarily engaged in furnishing domestic and foreign transportation by air and also those operating airports and flying fields and furnishing terminal services.

**ELECTRIC SERVICES:** Includes establishments primarily engaged in the generation, transmission, and/or distribution of electric energy for sale.

**COMBINATION ELECTRIC AND GAS, AND OTHER UTILITY SERVICES:** Includes establishments providing electric or gas services in combination with other services.

**SANITARY SERVICES:** Includes establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system; and includes establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials.

**MOTOR VEHICLES, PARTS, AND SUPPLIES:** Includes establishments primarily engaged in the wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles; the wholesale distribution of motor vehicle supplies, accessories, tools and equipment except tires; and new motor vehicle parts; the distribution at wholesale or retail of used motor vehicle parts and those primarily engaged in dismantling motor vehicles for the purpose of selling parts.

**ELECTRICAL APPARATUS AND EQUIPMENT, WIRING SUPPLIES, AND CONSTRUCTION MATERIALS:** Includes establishments primarily engaged in the wholesale distribution of electrical power equipment for the generation, transmission, distribution, or control of electric energy; electrical construction materials for outside power transmission lines and for electrical systems; and electric light fixtures and bulbs.

**MACHINERY, EQUIPMENT, AND SUPPLIES:** Includes establishments primarily engaged in the wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-mounting equipment and other specialized machinery and equipment used in the construction, mining, and logging industries; distribution of agricultural machinery and equipment for use in the preparation and maintenance of

the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden; and dairy and other livestock equipment; wholesale distribution of industrial machinery and equipment.

**MISCELLANEOUS DURABLE GOODS:** Includes establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

**CHEMICALS AND ALLIED PRODUCTS:** Includes establishments primarily engaged in the wholesale distribution of plastics materials, and of unsupported plastics film, sheets, sheeting, rods, tubes, and other basic forms and shapes; whole distribution of chemicals and allied products, such as acids, industrial and heavy chemicals, dye stuffs, industrial salts, rosin, and turpentine.

**PETROLEUM AND PETROLEUM PRODUCTS:** Includes establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities; wholesale distribution of petroleum and petroleum products, except those with bulk liquid storage facilities. Included are packaged and bottled petroleum products distributors, truck jobbers, and others marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

**FARM SUPPLIES:** Includes establishments primarily engaged in the wholesale distribution of fertilizers, agricultural chemicals, and pesticides.

**NEW AND USED CAR DEALERS:** Includes establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories.

**GASOLINE SERVICE STATIONS:** Includes gasoline service stations primarily engaged in selling gasoline and lubricating oils.

**LAUNDRY, CLEANING, AND GARMENT SERVICES:** Includes establishments primarily engaged in operating mechanical laundries with steam or other power; linen supply; coin-operated laundries and drycleaning; drycleaning plants, except rug cleaning; carpet and upholstery cleaning; and industrial launderers. Establishments that solely operate coin-operated washing machines and dryers are not included.

**DISINFECTING AND PEST CONTROL SERVICES:** Includes establishments primarily engaged in disinfecting dwelling and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings.

**MISCELLANEOUS EQUIPMENT RENTAL AND LEASING:** Includes establishments primarily engaged in renting or leasing equipment, except medical equipment, which as a result of maintenance activities generate hazardous wastes such as waste solvents or waste petroleum products.

**TRUCK RENTAL AND LEASING, WITHOUT DRIVERS:** Includes establishments primarily engaged in short-term rental or extended-term leasing of trucks, truck tractors, or semitrailers without drivers.

**AUTOMOTIVE REPAIR SHOPS:** Includes establishments primarily engaged in the repair of automotive tops, bodies, and interiors, or automotive painting and refinishing; customizing automobiles, trucks, and vans except on a factor basis; the installation, repair, or sale and installation of automotive exhaust systems; the repairing and retreading of automotive tires; installation, repair, or sales and installation of automotive glass; installation, repair, or sales and installation of automotive transmission; general automotive repair, specialized automotive repair, such as fuel service (carburetor repair), brake relining, front end and wheel alignment, and radiator repair.

**MISCELLANEOUS REPAIR SHOPS AND RELATED SERVICES:** Includes establishments primarily engaged in general repair work by welding, including automotive welding; rewinding armatures and rebuilding or repairing electric motors; specialized repair services, such as bicycle repair, leather goods repair, lock and gun repair, including the making of lock parts or gun parts to individual order; musical instrument repair; septic tank cleaning; farm machinery repair; furnace cleaning; motorcycle repair; tank truck cleaning; taxidermists; tractor repair, and typewriter repair.

**HOSPITALS:** Includes establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services; providing general medical and surgical services and other hospital services; providing diagnostic medical services and inpatient treatment for the mentally ill; providing diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental.

**MEDICAL LABORATORIES:** Includes establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

**COLLEGES, UNIVERSITIES, PROFESSIONAL SCHOOLS, AND JUNIOR COLLEGES:** Colleges, universities, and professional schools furnishing academic courses and granting academic degrees; or junior colleges and technical institutes furnishing academic, or academic and technical, courses, and granting associate academic degrees, certificates, or diplomas.

**RESEARCH AND TESTING SERVICES:** Includes establishments primarily engaged in commercial physical and biological research and development on a contract or fee basis; or performing noncommercial research into and dissemination of, information for public health, education, or general welfare; or providing testing services.

**ENVIRONMENTAL QUALITY:** Government establishments primarily engaged in regulation, planning, protection and conservation of air and water resources; solid waste management; water and air pollution control

and prevention; flood control; drainage development, and consumption of water resources; coordination of these activities at intergovernmental levels; research necessary for air pollution abatement and control and conservation of water resources; and government establishments primarily engaged in regulation, supervision and control of land use, including recreational areas; conservation and preservation of natural resources; control of wind and water erosion; and the administration and protection of publicly and privately owned forest lands, including pest control. Planning, management, regulation, and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and other matters relating to the protection of fish, game, and wildlife. Establishments which only provide information and education services to others are not included.

**NATIONAL SECURITY:** Includes establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.

(4) A potential generator shall be exempt from the fee if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year.

#### NEW SECTION

**WAC 173-305-04001 PENALTY FOR FAILURE TO PAY THE FEE.** If a known or potential generator fails to pay all or any part of a fee imposed under this chapter, the department of revenue shall charge a penalty of three times the amount of the unpaid fee. The department of revenue shall waive any penalty in accordance with RCW 82.32.105. See: WAC 458-20-228 for a discussion of the circumstances under which a penalty may be waived.

#### NEW SECTION

**WAC 173-305-05001 ADJUSTMENT OF FEES.** On an annual basis, the department shall adjust the base fee by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the base fee, or the fee as subsequently adjusted by this section, shall be multiplied by a factor equal to the most current quarterly "price deflator" available, divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment shall be divided by the second quarter "price deflator" for 1990.

(2) Each year by March 1, the schedule, as adjusted in subsection (1) of this section, will be published. The department will round the published fees to the nearest dollar.

#### NEW SECTION

**WAC 173-305-06001 GENERAL ADMINISTRATIVE PROVISIONS.** The provisions of chapter 82.32 RCW, except RCW 82.32.050 and 82.32.090, may apply to the administration of this fee. Requests for



administrative review should be directed to the Department of Revenue, Taxpayer Accounts Administration, Mailstop AX-02, Olympia, Washington 98504-0090.

### NEW SECTION

**WAC 173-305-07001 RESPONSIBILITIES OF THE DEPARTMENTS OF ECOLOGY AND REVENUE.** (1) The legislature has provided that the primary responsibilities of the department of ecology are to provide the department of revenue with a list of known generators, and to determine the primary business activities of potential generators.

(2) The legislature has provided that the primary responsibility of the department of revenue is to collect the fees from known and potential generators as identified in subsection (1) of this section.

(3) The department of ecology will periodically amend the list of primary business activities of potential generators by reviewing the most current verified information that is available to the department.

**WSR 91-03-140  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION**

[Filed January 23, 1991, 4:51 p.m.]

#### Original Notice.

Title of Rule: Consumption of alcohol in state parks.

Purpose: Allows enforcement officers to remove repeat offenders of alcohol abuse in state parks; Dash Point and Saltwater state parks can be closed if alcohol is being abused and causing public problems.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: Chapter 43.51 RCW.

Summary: Describes penalties for drinking in state parks and allows Dash Point and Saltwater state parks to be closed.

Reasons Supporting Proposal: Increased public complaints about too much drinking in 2 state parks. Increased citations to visitors abusing alcohol.

Name of Agency Personnel Responsible for Drafting: John Brentlinger, 7150 Cleanwater Lane, Olympia, WA, 753-4129; Implementation and Enforcement: Lynn Genasci, 7150 Cleanwater Lane, Olympia, WA, 753-5761.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To better serve the general population visiting our state parks, the commission would like clearer rules describing a 3-tiered penalty if someone drinks too much outside of a designated drinking area in the park. After one citation, the person can be expelled from all state park lands for one day. After the second citation, and conviction of that citation, the person can be expelled for

30 days; after the third citation and conviction, expulsion is for one year. Furthermore, Dash Point and Saltwater state parks can be closed if drinking threatens the health, safety or welfare of visitors or personnel or if other legitimate recreational activities are being adversely affected. The change adds a penalties section and lists Dash Point and Saltwater as potential closures after a public meeting has been held by state parks.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Hearing Location: Ilwaco Heritage Museum, 115 S.E. Lake Street, Ilwaco, WA, on March 8, 1991, at 9:00 a.m.

Submit Written Comments to: Lynn Genasci, State Parks, KY-11, 7150 Cleanwater Lane, Olympia, WA 98504, by March 1, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991  
Nina Carter  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

**WAC 352-32-200 PENALTIES.** (1) In addition to the penalty provided in RCW 43.51.180, or any other existing or future law of the state of Washington, failure to comply with any section of this chapter, or of any other chapter of this title, or any other rule or regulation of the commission, or with any other federal, state, or local law, rule, or regulation applicable under the circumstances, shall subject the person so failing to comply to ejection from any state park area.

(2) All drug or alcohol related misconduct for which a citation is issued shall additionally subject the individual to expulsion from all lands administered by the commission for the following periods:

(a) One incident shall result in a twenty-four-hour expulsion.

(b) Two incidents shall result in a thirty-day expulsion.

(c) Three incidents shall result in a one-year expulsion.

#### AMENDATORY SECTION (Amending Order 95, filed 6/24/86)

**WAC 352-32-210 CONSUMPTION OF ALCOHOL IN STATE PARK AREAS.** (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park area shall be prohibited except in the following designated areas and under the following circumstances:

(a) In designated campgrounds, by registered campers or their guests;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas; and

(c) In any building operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages shall be prohibited at Dash Point State Park and Saltwater State Park except in the following designated areas and under the following circumstances:

(a) In designated campgrounds, by registered campers or their guests.

(b) In any building operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) Dispensing alcoholic beverages from kegs or containers larger than two gallons is prohibited in state park areas except when authorized in writing (group use permit) by the park manager.

((3)) (4) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

((4)) (5) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park shall be prohibited.

**WSR 91-03-141**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-03—Filed January 23, 1991, 4:57 p.m.]

**Original Notice.**

Title of Rule: WAC 173-19-280 Klickitat County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Klickitat County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia 98504, 459-6777.

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: Redesignates the Lyle Peninsula on the Columbia River from an urban-industrial to a community environment designation.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Hearing Location: Meeting Room, PUD #1 of Klickitat County, 1313 South Columbus, Goldendale, WA, on February 28, 1991, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 7, 1991.

Date of Intended Adoption: June 4, 1991.

January 22, 1991

Fred Olson

Deputy Director

**AMENDATORY SECTION** (Amending Order 90-14, filed 7/3/90)

WAC 173-19-280 KLICKITAT COUNTY. Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979. Revision approved March 1, 1984. Revision approved July 3, 1990. Revision approved June 4, 1991.

**WSR 91-03-142**

**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed January 23, 1991, 4:55 p.m.]

**Original Notice.**

Title of Rule: State parks fee changes.

Purpose: Adjusts various fees charged for using agency facilities or issuing permits. New fees will be in effect May 15, 1991.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: Chapter 43.51 RCW.

Summary: The fee changes will make state park fees consistent with neighboring states fees and assist in generating revenue for park operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis Smith, 7150 Cleanwater Lane, Olympia, WA, 753-5766.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule increases campsite, snowmobile, snowpark and other state park fees in order to finance current operations at the parks. The park fee increases keep our state on the par with other neighboring parks in Oregon, Idaho and California.

Proposal Changes the Following Existing Rules: Increases fees.

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

Hearing Location: Ilwaco Heritage Museum, 115 S.E. Lake Street, Ilwaco, WA, on March 8, 1991, at 9:00 a.m.

Submit Written Comments to: Dennis Smith, State Parks, KY-11, 7150 Cleanwater Lane, Olympia, WA 98504, by March 1, 1991.

Date of Intended Adoption: March 8, 1991.

January 23, 1991

Nina Carter

Executive Assistant

**AMENDATORY SECTION** (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-12-010 MOORAGE AND USE OF MARINE FACILITIES. (1) No person or persons shall moor or berth a vessel of any type in a commission owned or operated park or marine area except in designated marine park areas and at designated facilities.

(2) Use of designated marine park areas and facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: PROVIDED HOWEVER, Park managers and park rangers may allow extended or night moorage at any facility during the period September 15 through April 30, inclusive, to commercial vessels unloading passengers transported to the

park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor.

(3) In order to afford the general public the greatest possible use of marine park facilities, continuous moorage at a facility by the same vessel, person or persons shall be limited to three consecutive nights, unless otherwise posted by the commission at any individual facility or area.

(4) In order to maximize usable space at mooring floats, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also permitted, within posted limits, but not mandatory. Vessels twenty-six feet in length, and over, with dinghies, shall moor at buoys and floats not attached to piers, where available, during the period of Memorial Day through Labor Day.

(5) Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(6) Dinghies shall be tied up only in designated spaces on moorage floats.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on state park floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the ranger shall make final determination.

**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, (~~(\$7.00)~~) **\$8.00** per night;

(b) Vessels under twenty-six feet in length, (~~(\$4.50)~~) **\$5.50** per night: PROVIDED, HOWEVER, This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks: PROVIDED FURTHER, Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: PROVIDED FURTHER, There shall be no moorage fee for (~~dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or~~) any vessel riding on its own anchor: PROVIDED FURTHER, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-12-030 ANNUAL MOORAGE PERMITS. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost (~~(\$40.00)~~) **\$45.00**; for vessels under twenty-six feet in length shall cost (~~(\$24.00)~~) **\$27.00**: PROVIDED HOWEVER, Effective January 1, (~~(1991)~~) **1992**, the permit for vessels twenty-six feet in length and over shall cost (~~(\$45.00)~~) **\$55.00** and for vessels under twenty-six feet in length shall cost (~~(\$27.00)~~) **\$35.00**.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

**AMENDATORY SECTION** (Amending Order 89-01, filed 3/7/89)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water(;) or sewer (~~and electricity~~).

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

(11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

(13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

(14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

(15) "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

(16) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

(17) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

(18) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

(19) "Upland" shall mean all lands lying above mean high water.

(20) "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

**AMENDATORY SECTION** (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-32-035 CAMPSITE RESERVATION. (1) Advance campsites reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a ~~(((\$4.00))~~ \$5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(8) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(9) Reservations for a specific campsite within a park will not be guaranteed.

(10) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(12) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m.

After this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE.

(1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A daily permit fee of ~~((ten))~~ twenty dollars for groups of 20 to 50 persons, ~~((twenty-five))~~ fifty dollars for groups of 51 to 100 persons, ~~((fifty))~~ one hundred dollars for groups of 101 to 500 persons, and ~~((one))~~ two hundred ~~((twenty-five))~~ fifty dollars for groups of more than 500 persons shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: ~~(((\$7.50))~~ \$8.00 per night;

(2) Overnight camping - utility campsite: ~~(((\$7.50))~~ \$12.00 per night ~~((plus a nightly fee of \$-75 for domestic water hookup, \$-75 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site)).~~ Payment for utility campsite will be collected whether utility ~~((is))~~ hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping – primitive campsite: (~~(\$3.00)~~) \$4.00 per night for nonmotorized vehicle and (~~(\$4.50)~~) \$5.50 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping – multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area – certain parks: (~~(\$.75)~~) \$.75 per person per day and/or night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center – overnight camping: (~~(\$3.40)~~) \$3.65 per camper per night: PROVIDED, HOWEVER, The fee shall be (~~(\$3.65)~~) \$3.90 per camper per night, effective June 15, (~~(1989)~~) 1991;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: (~~(\$3.80)~~) \$4.05 per camper per night: PROVIDED, HOWEVER, The fee shall be (~~(\$4.05)~~) \$4.30 per camper per night, effective June 15, (~~(1989)~~) 1991;

(b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle charge: (~~(\$3.00)~~) \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030;

(13) Overnight camping – emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the (~~(\$3.00)~~) \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle.

(15) Campsite reservations – see WAC 352-32-035(6).

**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-252 OFF-SEASON SENIOR CITIZEN PASS—FEE. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August (~~(+5)~~) 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be (~~(\$20.00)~~) \$30.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion

of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

**AMENDATORY SECTION** (Amending WSR 90-10-023, filed 4/23/90, effective 5/24/90)

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 as follows:

(1) Seasonal permit – (~~(\$15.00)~~) \$20.00 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.

**AMENDATORY SECTION** (Amending Order 102, filed 11/24/87)

WAC 308-94-035 SNOWMOBILE REGISTRATION—FEE. Beginning with the registrations that expire September 30, (~~(1989)~~) 1992, the registration fee for snowmobiles required to be registered in accordance with RCW 46.10.020 shall be (~~(\$12.50)~~) \$15.00 annually.

**WSR 91-03-143**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-04—Filed January 23, 1991, 4:59 p.m.]

**Original Notice.**

Title of Rule: WAC 173-19-350 Pierce County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Pierce County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia 98504, 459-6777.

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: Amends Pierce county shoreline master program to establish environment designations for the previously

undesigned shorelines of Pitt, Gertrude, and McNeil islands. A combination of urban, conservancy, and natural environment designations are proposed.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Hearing Location: Public Hearing Room, Public Service Building, 2401 South 25th Street, Tacoma, WA, on Tuesday, March 5, 1991, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 12, 1991.

Date of Intended Adoption: June 4, 1991.

January 22, 1991

Fred Olson

Deputy Director

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

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979. Revision approved June 4, 1991.

**WSR 91-03-144**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-05—Filed January 23, 1991, 5:00 p.m.]

Original Notice.

Title of Rule: WAC 173-19-2207 Ocean Shores, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Ocean Shores.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Scowlund, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia 98504, 459-6777.

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: Adoption of the Grays Harbor estuary management plan as an amendment to the city of Ocean Shores shoreline master program.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Hearing Location: Convention Center, 120 West Chance A La Mer, Ocean Shores, WA, on March 6, 1991, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 13, 1991.

Date of Intended Adoption: June 4, 1991.

January 22, 1991

Fred Olson

Deputy Director

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

WAC 173-19-2207 OCEAN SHORES, CITY OF. City of Ocean Shores master program approved August 12, 1974. Revision approved June 4, 1991.

**WSR 91-03-145**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 90-43—Filed January 23, 1991, 5:00 p.m.]

Date of Adoption: January 22, 1991.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-230 Island County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-20-097 on October 2, 1990.

Changes Other than Editing from Proposed to Adopted Version: Page 6 - Item 4b: ~~On private tidelands abutting upland property owned by the aquaculture project proponent and on or public tidelands where the criteria of Policy 5 below, and the other provisions of this master program can be met, and the concerns of adjacent property owners are duly considered. can be met and the aquaculture proponent is the upland owner.;~~ Page 7 - Item 5f: Aquacultural use of the entire district or tideland area will not result in any significant adverse environmental impacts that cannot be adequately mitigated through conditions of approval; Page 10 - Item B4: ... more than two (2) turions of eel grass per 1/4 square meter in winter or three (3) turions 1/4 square meter in summer, except as provided for in Aquaculture Districts 2a, 2b, and 2c where the following standard shall apply: 10 turions per 1/4 square meter (winter, 13 turions per 1/4 square meter (summer); Page 12 - Item

B10: Aquaculture proposals that hydraulically, or mechanically, or by commercial digging (except traditional low impact hand implement digging) displace or disturb bottom sediments through dredging, trenching or excavation shall only be allowed in approved aquaculture districts. These activities (except for geoduck beds which are subject to Washington State Department of Fisheries standards) shall not be allowed in subtidal or intertidal areas with more than 15-20% fine sediment (63 microns or smaller) unless it can be shown ...; Page 14 - Item B17: Aquaculture districts that are designated for fixed systems, i.e., mussel rafts, longlines, net-pens, etc., should shall generally consist of one or more 5 acre lease tracts which lie parallel to the bottom contours and perpendicular to shore. Two hundred (200) foot wide navigational access easements ways, laying perpendicular to shore, shall be provided wherever necessary to maintain access between aquaculture projects; Page 18 - Wetland Definition: For purposes of this master program, wetlands means marshes, bogs, and swamps as defined in WAC 173-22-030(5) and does not refer to shoreline jurisdiction which is defined by RCW 90.58.030 (2)(f); and Page 8 - Policy 18: If Pacific salmon species are proposed to be farmed in Island County, only those stocks with the greatest genetic similarity to those indigenous stocks and approved by the Department of Fisheries shall be used.

Effective Date of Rule: Thirty-one days after filing.  
 January 22, 1991  
 Fred Olson  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 85-12, filed 6/5/85)

WAC 173-19-230 ISLAND COUNTY. Island County master program approved June 25, 1976. Revision approved June 4, 1985. Revision approved January 23, 1991.

**WSR 91-03-146**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 90-49—Filed January 23, 1991, 5:00 p.m.]

Date of Adoption: January 22, 1991.  
 Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.  
 Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3205 Oroville, town of.  
 Statutory Authority for Adoption: RCW 90.58.200.  
 Pursuant to notice filed as WSR 90-21-108 on October 22, 1990.  
 Effective Date of Rule: Thirty-one days after filing.  
 January 22, 1991  
 Fred Olson  
 Deputy Director

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

WAC 173-19-3205 OROVILLE, TOWN OF. Town of Oroville master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved January 22, 1991.

**WSR 91-03-147**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 90-50—Filed January 23, 1991, 5:00 p.m.]

Date of Adoption: January 22, 1991.  
 Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.  
 Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3203 Okanogan, city of.  
 Statutory Authority for Adoption: RCW 90.58.200.  
 Pursuant to notice filed as WSR 90-20-107 on October 22, 1990.  
 Effective Date of Rule: Thirty-one days after filing.  
 January 22, 1991  
 Fred Olson  
 Deputy Director

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

WAC 173-19-3203 OKANOGAN, CITY OF. City of Okanogan master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved January 22, 1991.

**WSR 91-03-148**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 90-51—Filed January 23, 1991, 5:00 p.m.]

Date of Adoption: January 22, 1991.  
 Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.  
 Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3208 Tonasket, town of.  
 Statutory Authority for Adoption: RCW 90.58.200.  
 Pursuant to notice filed as WSR 90-21-106 on October 22, 1990.  
 Effective Date of Rule: Thirty-one days after filing.  
 January 22, 1991  
 Fred Olson  
 Deputy Director

**AMENDATORY SECTION** (Amending Order DE 82-32, filed 8/16/82)

WAC 173-19-3208 TONASKET, TOWN OF. Town of Tonasket master program approved December 16, 1975. Revision approved March 9, 1976. Revision



approved August 12, 1982. Revision approved January 22, 1991.

**WSR 91-03-149**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 90-52—Filed January 23, 1991, 5:00 p.m.]

Date of Adoption: January 22, 1991.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-250 King County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 90-21-105 on October 22, 1990.

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

January 22, 1991

Fred Olson

Deputy Director

**AMENDATORY SECTION** (Amending Order 85-17, filed 6/18/85)

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981. Revision approved February 9, 1982. Revision approved March 14, 1984. Revision approved June 18, 1985. Revision approved January 22, 1991.

**WSR 91-03-150**  
**PROPOSED RULES**  
**PIERCE COLLEGE**  
 [Filed January 23, 1991, 5:00 p.m.]

Original Notice.

Title of Rule: Chapter 132K-16 WAC, Students rights and responsibilities.

Purpose: To protect the welfare of the student population and the college community.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: To allow the college community an opportunity for input into the student rights and responsibilities.

Reasons Supporting Proposal: On advice of Attorney General's Office; and to comply with RCW 28B.50.140.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Rhoads, Dean of Student Services, (206) 964-6534.

Name of Proponent: Pierce College, public.

Rule is necessary because of state court decision, WAC 131-12-050 Rules defining student rights and responsibilities required to be adopted.

Explanation of Rule, its Purpose, and Anticipated Effects: To implement and maintain procedures that will

protect students rights and responsibilities to insure their safety and equitable treatment towards their educational goals.

Proposal Changes the Following Existing Rules: To include WAC 132K-16-120 Definitions; 132K-16-230 Alcohol and controlled substances; and 132K-16-280 through 132K-16-520, Disciplinary procedures.

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

Hearing Location: Pierce College, 9401 Farwest Drive S.W., Tacoma, WA 98498, on March 27, 1991, at 1:00 p.m.

Submit Written Comments to: Kay Rhoads, Dean of Student Services, by March 13, 1991.

Date of Intended Adoption: April 10, 1991.

January 23, 1991

Frank B. Brouillet

President

Reviser's note: The material contained in this filing will appear in the 91-04 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 91-03-151**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed January 23, 1991, 5:00 p.m.]

Original Notice.

Title of Rule: Personal use rules.

Purpose: Amend catch of personal use salmon; repeal definition.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Prohibits catch of coho salmon in selected streams. Repeals duplicative definition.

Reasons Supporting Proposal: Poor return of coho salmon expected.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Gene DiDonato, Mailstop AX-11, Olympia, 753-6600; and Enforcement: Dayna Matthews, Mailstop AX-11, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposals prohibit catch of coho salmon from streams that are expected to be below escapement levels. As the season progresses, there may be an adjustment to the fishery. If early indications show up before the adoption date, all or some of these proposals may be continued to a later adoption date. The definition of angling in the general definition section is unnecessary, as it is a sport definition.

Proposal Changes the Following Existing Rules: Prohibits coho salmon catch.

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



These proposals do not effect 10 percent of the businesses in any one three-digit industrial classification nor 20 percent of all businesses.

**Hearing Location:** The Department of Fisheries will hold public hearings to discuss these proposals at the following locations at 10:00 a.m., Saturday, March 2, 1991: Shoreline Community College, Room 1602, 16101 Greenwood Avenue North, Seattle, WA 98133; Clark Community College, Foster Hall, 1800 East McLoughlin Boulevard, Vancouver, WA 98663; Peninsula College, Little Theater, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362; and Columbia Basin College, Room L102, 2600 North 20th Avenue, Pasco, WA 99301.

Submit Written Comments to: Hearings Officer, Washington State Fisheries, 115 General Administration Building, Olympia, Washington 98504, by March 1, 1991.

Date of Intended Adoption: March 5, 1991.

January 23, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 220-57-195 DEWATTO CREEK. Bag Limit A - August 1 through November 30: Downstream from Dewatto Bay Road Bridge. Coho salmon must be released immediately.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 220-57-205 DOSEWALLIPS RIVER. Bag Limit A - August 1 through January 31: Downstream from the Highway 101 Bridge. Coho salmon must be released immediately.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 220-57-265 HAMMA HAMMA RIVER. Bag Limit A - August 1 through January 31: Downstream from the Highway 101 Bridge. Coho salmon must be released immediately.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 220-57-210 DUCKABUSH RIVER. Bag Limit A - August 1 through January 31: Downstream from the Highway 101 Bridge. Coho salmon must be released immediately.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 220-57-425 SKAGIT RIVER. (1) Bag Limit A - August 1 through December 31: Downstream from the mouth of the Cascade River Gilligan Creek. Chinook and coho salmon must be released immediately.

(2) Bag Limit A - June 1 through December 31: Downstream from Gilligan Creek. Coho salmon must be released immediately.

**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 89-12, filed 3/16/89)

WAC 220-57-430 SKOKOMISH RIVER. Bag Limit A - August 1 through January 31: Downstream from the mouth of Vance Creek. Terminal gear on the Skokomish River is limited to one bait or one lure with one single-pointed hook only, measuring no more than 1/2 inch from point to shank. Coho salmon must be released immediately.

**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 89-12, filed 3/16/89)

WAC 220-57-435 SKYKOMISH RIVER. Bag Limit A - July 1 through December 31: Downstream from the confluence of the north and south forks. Coho salmon must be released immediately.

**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 89-12, filed 3/16/89)

WAC 220-57-450 SNOHOMISH RIVER. Bag Limit A - July 1 through December 31: Downstream from the confluence of the Skykomish and Snoqualmie rivers. Coho salmon must be released immediately.

**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 89-12, filed 3/16/89)

WAC 220-57-455 SNOQUALMIE RIVER. Bag Limit A - July 1 through December 31. Coho salmon must be released immediately.

**AMENDATORY SECTION** (Amending Order 89-12 [WSR 90-06-026], filed 3/16/89 [2/28/90, effective 3/31/90])

WAC 220-57-465 STILLAGUAMISH RIVER. Bag Limit A - August 16 through December 31: Downstream from the confluence of north and south forks. Chinook and coho salmon must be released immediately.

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

WAC 22-57-470 TAHUYA RIVER. Bag Limit A - August 1 through November 30: Downstream from a marker approximately one mile above the North Shore Road Bridge. Coho salmon must be released immediately.

**Reviser's note:** The above section, filed by the agency as an amendment of WAC 22-57-470, appears to be an amendment of WAC 220-57-470, there being no WAC 22-57-470 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

**AMENDATORY SECTION** (Amending 89-12, filed 3/16/89)

WAC 22-57-490 UNION RIVER. Bag Limit A - August 1 through November 30: Downstream from the North Shore Road Bridge. Coho salmon must be released immediately.

**Reviser's note:** The above section, filed by the agency as an amendment of WAC 22-57-490, appears to be an amendment of WAC 220-57-490, there being no WAC 22-57-490 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-16-055 HOOK AND LINE-ANGLING.

**WSR 91-03-152**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed January 23, 1991, 5:00 p.m.]

**Original Notice.**

Title of Rule: Commercial fishing rules.

Purpose: Amend catch limits.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets coastal bottomfish limits for 1991.

Reasons Supporting Proposal: Management of the bottom stocks provides for the economic well being of the industry.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Mark Pederson, Mailstop AX-11, Olympia, 753-6600; and Enforcement: Dayna Matthews, Mailstop AX-11, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Sets coastal bottomfish (groundfish) limits for 1991 in order to conserve resources and allow a fishery on available surplus. This proposal is based on recommendations from the Pacific Fisheries Management Council.

Proposal Changes the Following Existing Rules: Amends WAC 220-44-050 to change bottomfish limits.

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

Neither 10 percent of the businesses in any one three-digit classification nor 20 percent of all businesses are effected.

Hearing Location: Large Conference Room, General Administration Building, 210 11th Avenue, Olympia, WA 98504, on February 26, 1991, at 10:00 a.m.

Submit Written Comments to: Fisheries Hearings Office, Department of Fisheries, General Administration Building, 210 11th Avenue, Olympia, WA 98504, by February 25, 1991.

Date of Intended Adoption: March 1, 1991.

January 23, 1991

Joseph R. Blum  
Director**AMENDATORY SECTION** (Amending Order 90-26, filed 6/21/90, effective 7/22/90)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. Effective April 1, 1991, until further notice, it is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) Widow rockfish (*Sebastes entomelas*) - ~~((+5,000)) 10,000~~ pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a ~~((+1990))~~ 1991 declaration of intent may make one landing of not more than ~~((25,000))~~ 20,000 pounds biweekly, defined as Wednesday through the second Tuesday following. There is no limit on the number of landings of less than 3,000 pounds.

(2) Shortbelly rockfish (*Sebastes jordani*) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) - No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 3,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (includes all *Sebastes* spp. except Pacific Ocean perch, widow rockfish, shortbelly rockfish and thornychead or idiot rockfish) - 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than ~~((7,500))~~ 5,000 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a ~~((+1990))~~ 1991 declaration of intent may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following, of which no more than ~~((+5,000))~~ 10,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than ~~((3,750))~~ 2,500 pounds in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Deepwater complex: Sablefish, Dover Sole and Thornychead or Idiot Rockfish (*Sebastes* spp.) - Fishers are limited to 27,500 pounds of the deepwater complex of which no more than 7,500 pounds can be Thornychead rockfish, per vessel trip, per calendar week, defined as Wednesday through the following Tuesday, except that a fisherman having made a 1991 declaration of intent may make either one landing of no more than 55,000 pounds of the deepwater complex of which no more than 15,000 pounds can be Thornychead rockfish, per vessel trip biweekly, defined as Wednesday through the second Tuesday following or two landings of not more than 13,750 pounds of the deepwater complex of which no more than 3,750 pounds can be Thornychead rockfish, in any one calendar week. If no declaration of intent to land twice weekly has been made, then it is unlawful for any vessel to make more than one landing in excess of 4,000 pounds of the deepwater complex except sablefish landings are limited to 1,000 pounds.

The following limits apply to sablefish taken under this subsection.

(a) Trawl vessels - ~~((No trip limit))~~ No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of the total combined round weight of the deepwater complex (~~((Sablefish, Dover Sole, Arrowtooth Flounder and Thornychead or Idiot Rockfish))~~) on board. To convert sablefish to round weight from dressed weight multiply the dressed weight by ~~((+75))~~ 1.6. Sablefish minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental sablefish catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deepwater complex, but not to exceed 5,000 pounds per trip. This undersize sablefish incidental allowance is inclusive in the trip limit for the deepwater complex.

(b) Nontrawl vessels - No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds ~~((:))~~ round weight ~~((or 3% round weight of all sablefish on board, whichever is greater,))~~ per trip. To convert to round weight from dressed weight multiply the dressed weight by ~~((+75))~~ 1.6.

(6) ~~((+1990))~~ 1991 Declarations of intent - A ~~((+1990))~~ 1991 declaration must be made to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section. The new declaration form must be completed as provided for in this subsection, and is binding for a minimum of four weeks after the first Wednesday following the declaration. The ~~((+1990))~~ 1991 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the

one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner once the four-week period has passed. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. (~~Bi-weekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing.~~) A calendar week is defined as Wednesday through the following Tuesday.

(7) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

**WSR 91-03-153**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed January 23, 1991, 5:00 p.m.]

**Original Notice.**

**Title of Rule:** Personal use rules.

**Purpose:** Amend personal use rules.

**Statutory Authority for Adoption:** RCW 75.08.080.

**Statute Being Implemented:** RCW 75.08.080.

**Summary:** WAC 220-16-220, defines Willapa Bay. Uses Channel marker 8 Buoy as marker, because of removal of Cape Shoalwater light; WAC 220-16-257 and chapter 220-40 WAC, changes "Willapa Harbor" to "Willapa Bay," since "Bay" is the proper term; WAC 220-20-010, corrects "make any report or return" to "make or return any report." Correct typographical error; chapter 220-55 WAC, change license procedures to reflect use of license stamps and personal use license forms. Changes terminology to reflect current practices; WAC 220-56-100, define Channel Marker 13 Line. Needed for management in Grays Harbor; WAC 220-56-105, define mouths of Kennedy Creek and Wallace River. There has been confusion as to the actual mouths of these two rivers, and this provides clarification; WAC 220-56-115, allow use of two rods per person for salmon in Areas 10, 11 and 13. Provide for additional opportunity; WAC 220-56-128, provide for closure in Agate Pass. This is one option for protection of true cod; WAC 220-56-175, restrict halibut catch record card use to Areas 5 through 13. Sampling provides adequate information in Areas 1 through 4 and cards from these areas are unnecessary; WAC 220-56-180, add Atlantic salmon to bag limit codes. Atlantic salmon escape from net pens and are caught. They are not "salmon" by definition, and need to be added; WAC 220-56-185, define Willapa Bay and Grays Harbor fisheries. Eliminate confusion as to fishable waters; WAC 220-56-190, conform area and catch record card number. Eliminate confusion; WAC 220-56-205, allow an additional hook and treble hooks in the Columbia River. Conforms Washington and Oregon regulations; WAC 220-56-235, liberalize bottomfish catch limits. Provides additional recreational opportunity; WAC 220-56-232, establish Pacific cod closed area. This is an alternate proposal to WAC 220-56-128 and is needed to protect true cod; WAC 220-

56-240, standardize 1 sturgeon bag limit from the Dalles Dam upstream. Changes catch limit between Wallulla and the Dalles Dam only; WAC 220-56-250, change "Salmon Punch Card" to "Catch Record Card." No change; WAC 220-56-282, provide for two hooks per bait for sturgeon. This is the traditional method of fishing; WAC 220-56-350, adjust clam closures for clam management based on stock assessment; WAC 220-56-380, adjust oyster closures for oyster management based on stock assessment; WAC 220-57-290 and 220-57-497, establish minimum size for Icicle and Wenatchee rivers. Conforms the rivers special bag limits with state standard; WAC 220-57-313, bag limit for Kennedy Creek. Needed because of new river mouth definition; WAC 220-57-340, open Nemah River earlier. Provide additional fishing opportunity; WAC 220-57-385, open Quillayute River earlier. Provide additional fishing opportunity; WAC 220-57-425, open upper river earlier and allow chinook jack retention. Restrict chinook in lower river and liberalize pink salmon limit. Adjustments based on preseason stock assessment; WAC 220-57A-035, establish chinook fishery as a directed fishery, not an incidental to trout fishery. Provides additional fishing opportunity for adult chinook salmon; WAC 220-57-450, provide protection for rare even-numbered year pink salmon run. This run cannot withstand fishing pressure; and WAC 220-57-460, open Soleduck earlier. Additional fishing opportunity.

**Reasons Supporting Proposal:** See Summary above.

**Name of Agency Personnel Responsible for Drafting:** Evan S. Jacoby, Mailstop AX-11, Olympia, 586-2429; **Implementation:** Gene DiDonato, Judith Freeman, Mark Pederson, Mailstop AX-11, Olympia, 753-6600; and **Enforcement:** Dayna Matthews, Mailstop AX-11, Olympia, 753-6585.

**Name of Proponent:** Washington State Department of Fisheries, governmental.

**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:** See Summary above.

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

This proposal does not effect 10 percent of the businesses in any one three-digit industrial classification nor 20 percent of all businesses.

**Hearing Location:** The Department of Fisheries will hold public hearings to discuss these proposals at the following locations at 10:00 a.m., Saturday, March 2, 1991: Shoreline Community College, Room 1602, 16101 Greenwood Avenue North, Seattle, WA 98133; Clark Community College, Foster Hall, 1800 East McLoughlin Boulevard, Vancouver, WA 98663; Peninsula College, Little Theater, 1502 East Laurideen Boulevard, Port Angeles, WA 98362; and Columbia Basin College, Room L102, 2600 North 20th Avenue, Pasco, WA 99301.

**Submit Written Comments to:** Hearings Officer, Washington State Fisheries, 115 General Administration Building, Olympia, WA 98504, by March 1, 1991.

Date of Intended Adoption: March 5, 1991.

January 23, 1991

Joseph R. Blum  
Director

**AMENDATORY SECTION** (Amending Order 817, filed 5/29/69)

WAC 220-16-220 **GEOGRAPHICAL DEFINITIONS—WILLAPA ((HARBOR)) BAY.** The term "Willapa ((Harbor)) Bay" shall be construed to include all the waters of Willapa ((Harbor)) Bay outside the mouth of any tributary river or stream inside and easterly of a line ((projected)) from Leadbetter Point to Willapa Bay Channel Marker 8 (Buoy 8) and then true north to Cape Shoalwater ((Light)).

**AMENDATORY SECTION** (Amending Order 82-19, filed 3/18/82)

WAC 220-16-257 **RAZOR CLAM BEDS.** "Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line 500 feet seaward and parallel to the base of the primary dune or cliff or any portion of Pacific Ocean beaches posted as a razor clam bed and marked with boundary markers. The detached Willapa ((Harbor)) Bay Spits that are north of ((Ledbetter)) Leadbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds," as are those portions of the mouths of Grays Harbor and Willapa ((Harbor)) Bay which contain razor clams.

**AMENDATORY SECTION** (Amending WSR 91-01-023, filed 12/10/90, effective 1/10/91)

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

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

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

Pacific halibut	(Hippoglossus stenolepis)
Pacific herring (except as prescribed in WAC 220-49-020)	(Clupea harengus pallasii)
Salmon	
Chinook	(Oncorhynchus tshawytscha)
Coho	(Oncorhynchus kisutch)
Chum	(Oncorhynchus keta)
Pink	(Oncorhynchus gorbuscha)
Sockeye	(Oncorhynchus nerka)
Masu	(Oncorhynchus masu)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or

shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director of fisheries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### AMENDATORY SECTION (Amending Order 85-14, filed 3/1/85)

WAC 220-40-030 WILLAPA ((HARBOR)) BAY—SEASONS AND LAWFUL GEAR—VARIETIES OTHER THAN SALMON AND STURGEON. (1) It shall be unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It shall be lawful to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at any time with set line and hand line jig gear.

(3)(a) June 1 through October 31 – It shall be lawful to fish for and possess herring, anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length nor contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 – Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa

((Harbor)) Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa ((Harbor)) Bay except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

#### AMENDATORY SECTION (Amending Order 90-77, filed 8/24/90, effective 9/24/90)

WAC 220-40-031 WILLAPA ((HARBOR)) BAY—SEASONS AND LAWFUL GEAR—STURGEON. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times, with the gear, and subject to the provisions of this section:

(1) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

(2) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

(3) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Willapa ((Harbor)) Bay Salmon Management and Catch Reporting Area except it is unlawful to retain white sturgeon taken prior to August 1st.

#### AMENDATORY SECTION (Amending Order 79-58, filed 8/10/79)

WAC 220-55-055 FREE LICENSE ISSUING PROCEDURE. A free razor clam license shall be issued by the license supervisor or a dealer designated by the department of fisheries, to any qualified applicant ~~((, upon receipt of the applicant's affidavit on a form provided by the department and payment of the dealer fee))~~. If a license is lost or becomes illegible, a new license must be obtained.

#### AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-065 EXPIRATION. The expiration date of each resident or nonresident license and catch record card, unless otherwise provided, shall be December 31st of the year printed on the license or catch record card. In case of a free license, the license shall not expire, except a license issued to a person under 16 years of age shall expire on that person's 16th birthday. A two consecutive day ~~((combined))~~ personal use license ~~((and catch record card))~~ shall expire at the close of the day after the validation date, except when the validation date is December 31st, in which case the expiration date is also December 31st.

#### AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-55-070 VALID CATCH RECORD CARD. A catch record card shall be invalid unless:

(1) The angler possesses the appropriate license stamp for the fishery in which the angler is participating, if a license stamp is required ((, is affixed to the recreational license form)). A ~~((sport catch record))~~ license stamp, issued by the department, is required to be affixed to the recreational license form of ~~((persons who do not meet))~~ the ~~((qualifications for issuance of a free personal use license, salmon catch record card (punchcard), or two consecutive day combined license and catch record card (punchcard) as set out in RCW 75.25.110. Qualifications for a free sturgeon catch record card (punchcard) are identical to those for a free salmon catch record card.~~

(2) The validation date is legibly written in ink on the face of the stamp, if required)) angler if it is an annual license stamp, or in the angler's possession if it is a stamp for a two consecutive day personal use license and the angler can offer proof of identification equivalent to that of a personal use license form. Absent such proof, the stamp must be affixed to a personal use license form.

(2) The catch record card number, if required, is written in ink across the face of the stamp.

(3) For two consecutive day licenses, the validation date is legibly written on the face of the stamp.

If the validation date is illegible or altered, or if the stamp affixed to the recreational license form has been mutilated, the catch record card is invalid. The department will not replace a lost or mutilated stamp.

**AMENDATORY SECTION** (Amending Order 89-05, filed 3/20/89)

WAC 220-55-075 (~~(SPORT CATCH RECORD)~~) SALMON AND STURGEON LICENSE STAMPS. ((A sport catch record)) Salmon and sturgeon license stamps shall be ~~((a stamp))~~ issued by the department of fisheries ~~((to be))~~. These stamps are not valid unless affixed to a recreational license form.

**AMENDATORY SECTION** (Amending Order 88-03, filed 2/4/88)

WAC 220-55-080 VALIDATION DATE. On a two consecutive day ~~((combined))~~ personal use license ~~((and catch record card))~~, the validation date shall be the first day on which an angler may fish for or possess foodfish.

**AMENDATORY SECTION** (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-55-086 TWO-CONSECUTIVE-DAY ((COMBINED)) PERSONAL USE LICENSE ((AND CATCH RECORD CARD)). A two-consecutive-day ~~((combined))~~ personal use license ~~((and catch record card (also referred to as a punchcard in chapter 75.25 RCW)))~~ shall ~~((consist of a two-consecutive-day license))~~ be a stamp ~~((affixed to a recreational license form and the appropriate catch record card or a two-consecutive-day license stamp affixed to the appropriate catch record card))~~ issued by the department of fisheries. In addition to a personal use license, an angler must possess a catch record card, if required, appropriate for the species being fished for.

**AMENDATORY SECTION** (Amending Order 89-05, filed 3/20/89)

WAC 220-55-125 DUTIES OF A RECREATIONAL LICENSE DEALER. A license dealer shall, at the time of sale of a two consecutive day ~~((combined))~~ personal use license ~~((stamp))~~, write the validation date in ink on the face of the stamp, and it shall be unlawful ~~((for him))~~ to fail to do so.

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

WAC 220-56-100 DEFINITIONS—PERSONAL USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait," unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.

(11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.  
(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(12) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island.

(13) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

(14) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

(15) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

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

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chehalis River - U.P. Railway Bridge in Aberdeen.
- Chinook River - The tide gates at the Highway 101 Bridge.
- Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Germany Creek - Highway 4 Bridge.
- Hoquiam River - Highway 101 Bridge.
- Humtulsips River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kennedy Creek - An area 500 yards east of the midpoint of the northbound Highway 101 Bridge.
- Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Mill Creek - Highway 4 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - Kenmore Highway Bridge.

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

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

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

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

Tucannon River - State Highway 261 Bridge.

Wallace River - The furthest downstream railroad bridge.

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

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Highway 14 Bridge.

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

Willapa River - Highway 101 Bridge.

Yakima River - Highway 240 Bridge.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

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

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

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

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

(d) It is lawful to use two lines (two rods) to fish for salmon in Catch Record Card Areas 10, 11 and 13, and lawful to use a third line using baitfish jigger gear in these areas.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

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

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

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-128 FOOD FISH FISHING—CLOSED AREAS. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal within a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery are closed December 1 through October 31. Those waters within 50 feet of the confluence are closed from November 1 through November 30.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shiishole Bay waters east of the Burlington Northern Railroad Bridge are closed to salmon angling. For food fish other than salmon, those waters easterly of the Burlington Northern Railroad Bridge are closed June 1 through September 30. During the period October 1 through May 31 it is lawful to fish for food fish other than salmon up to the mouth of the Lake Washington Ship Canal.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittendon Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-175 SALMON, STURGEON, AND HALIBUT CATCH RECORD CARDS. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to take or possess for personal use anadromous salmon, Columbia River, Grays Harbor, or Willapa Harbor sturgeon (including sturgeon taken from any tributary) or halibut taken from Catch Record Card Areas 5 through 13 a fisherman must obtain and have in his possession the appropriate catch record card (also referred to as punch card in chapter 75.25 RCW) as described in WAC 220-69-237, 220-69-238, and 220-69-239 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, when obtaining a catch record card shall completely, accurately, and legibly complete all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card.

(3) Immediately upon catching and possessing a salmon, sturgeon or halibut, the angler shall enter in the appropriate space the place, date of catch, species (catch type), and, for sturgeon, length.

(4) Every person possessing a catch record card shall by January 31 of the year following the year printed on the card return such card to the department of fisheries.

(5) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized fisheries department employee, exhibit said card to such officer or employee for inspection.

(6) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.



**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 12 inches in length, not more than two of these six salmon may be any combination of the following:

- Chinook over 24 inches in length
- Coho over 20 inches in length
- Pink, chum or sockeye over ~~(+0)~~ 12 inches in length
- Atlantic salmon (no minimum length).

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 12 inches in length or more than the following:

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

(3) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

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

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

(b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the bag limit is four salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

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

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

(b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except the daily bag limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through November 30 in Catch Record Card Areas 5, 6, and 7 no more than one of the three salmon daily bag limit may be a coho salmon.

(e) During the period August 1 through December 31 in Catch Record Card Areas 8-1, 8-2, 9, and 12 no more than one of the three salmon daily bag limit may be a coho salmon.

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

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

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

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

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

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

(b) ~~(Effective January 1, 1989;)~~ Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then true north to Cape Shoalwater.

~~(c) ~~(Effective January 1, 1989;)~~ Area 2-2: Grays Harbor east of a (north-south) line ~~(through Grays Harbor Channel Marker 13)~~ from the outermost end of the north jetty to the outermost exposed end of the south jetty.~~

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

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

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

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

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

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

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

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

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

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

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

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

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

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS-SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound:

(a) Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, and 12 - Bag Limit H - open the entire year.

(b) Catch Record Card Areas 10, 11, and 13 - Bag Limit G - open the entire year.

(c) In the above waters there are specified closures as provided for in WAC 220-56-128, 220-56-130, and 220-56-195.

(2) Strait of Juan de Fuca from the mouth of the Sekiu River to the Bonilla-Tatoosh Line - Bag Limit F except during the period April 16 through June 15 maximum size limit of 30 inches on chinook salmon if the waters described in this subsection are open - open concurrently with the ocean, and these waters will remain open through October 31 or until the ocean salmon quota for any species is taken.

(3) Pacific Ocean coastal waters: All waters east of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 - Bag Limit F - when opened by emergency regulation.

(4) Grays Harbor ~~((waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty including the waters of the Westport Boat Basin))~~ (Catch Record Card Area 2-2) (a) Open to salmon angling coincidentally with the season,



bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters, (b) Bag Limit A - August 16 through January 31: Waters of ((the Westport Boat Basin only)) Catch Record Card Area 2-2 east of the Channel Marker 13 Line.

(5) Willapa ((Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) -)) Bay (Catch Record Card Area 2-1) (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2), (b) Bag Limit A - August 16 through January 31.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

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

(1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank except nonbuoyant lures used in the Columbia River downstream from a point 17.6 miles east of McNary Dam where the Columbia River forms the boundary between Oregon and Washington may have treble hooks. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank except natural bait lures used in the Columbia River downstream from a point 17.6 miles east of McNary Dam where the Columbia River forms the boundary between Oregon and Washington natural bait lures may have up to three single hooks.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below or less than 12 inches above a lure.

(4) All hooks must be attached within three inches of the bait or lure.

**NEW SECTION**

WAC 220-56-232 PACIFIC COD—CLOSED AREA. It is unlawful to fish for or possess Pacific cod taken for personal use from the waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point during the period January 1 through March 31.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

- (1) Coastal (Punch Card Areas 1 through 4):
  - (a) Lingcod:
    - (i) 3 fish in Punch Card Areas 1 through 3 and Area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point;
    - (ii) 2 fish in Punch Card Area 4 east of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point.
  - (b) Rockfish - ((+5)) 12 fish.
  - (c) Surfperch (excluding shiner perch) - 15 fish.
  - (d) All other species - no limit.
- (2) Puget Sound:
  - (a) East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of a line between west point on Whidbey Island and Reservation Head on Fidalgo Island. ((Punch)) Catch Record Card Areas 5 through 7) - ((+5 fish in the aggregate of all species of bottomfish, no more than 2 of which may be lingcod and no more than 10 of which may be rockfish or surfperch. It is unlawful to possess lingcod less than 22 inches in length

taken by angling. The daily bag limit taken by spear fishing may include no more than one lingcod in the 15 fish aggregate, with no size restriction:))

Rockfish	10 fish
Surfperch	10 fish
Pacific cod	15 fish
Pollock	15 fish
Flatfish	15 fish
Lingcod	2 fish (1 fish if by spear fishing)
All other bottom fish	15 fish of all species combined

(b) All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (Punch Card Areas 8-1 through 13) - ((15 fish in the aggregate of all species of bottomfish, no more than 1 of which may be lingcod, no more than 5 of which may be rockfish or walleye pollock, and no more than 10 of which may be surfperch or Pacific cod:))

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	10 fish
Pollock	5 fish
Flatfish	15 fish
Lingcod	1 fish
All other bottom fish	15 fish of all species combined

(c) It is unlawful to possess lingcod less than 22 inches in length taken by angling.

(d) The daily bag limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-240 BAG LIMITS—OTHER FOOD FISH. It is unlawful for any one person to take in any one day more than the following quantities and sizes of food fish taken for personal use:

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

(a) 1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from ((a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary)) the Dalles Dam to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) ((2 fish not less than 40 inches nor more than 72 inches in length in Grays Harbor and Willapa Bay and all rivers and streams draining into each:

(c) 2 fish not less than 40 inches nor more than 72 inches in length in the Columbia River and tributaries downstream from a line perpendicular to the river flow where the river becomes the Oregon/Washington boundary approximately 17.3 miles above McNary Dam.

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

(e) There is an annual personal use bag limit of 15 sturgeon.  
 (f) Effective January 1, 1991, the personal use daily bag limit and size limits for sturgeon are as follows:

Sturgeon:)) Except as provided for in subsection (1)(a) of this section, the state-wide daily limit for sturgeon is two fish in total, with the following size restrictions:

- (i) Minimum size is 40 inches in length;
- (ii) Maximum size is 72 inches in length;
- (iii) Not more than one of the two fish may be less than 48 inches in length; and
- (iv) Not more than one of the two fish may equal or exceed 48 inches in length.

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

(d) There is an annual personal use bag limit of 15 sturgeon.

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

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

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

AMENDATORY SECTION (Amending Order 89-26, filed 4/27/89)

WAC 220-56-250 LINGCOD—AREAS AND SEASONS. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

- (1) Coastal area (a) (~~(Salmon Punch)~~) Catch Record Card Areas 1 through 3 – open the entire year, (b) (~~(Salmon Punch)~~) Catch Record Card Area 4 – April 16 through November 30.
- (2) (~~(Salmon Punch)~~) Catch Record Card Areas 5, 6, and 7 – April 16 through November 30.
- (3) (~~(Salmon Punch)~~) Catch Record Card Areas 8 through 13 – April 16 through May 31.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-282 STURGEON—LAWFUL GEAR. ((+)) It is unlawful to fish for sturgeon with other than natural bait, and it is unlawful to use ((other)) more than two single barbless hooks per natural bait, or to use more than two natural baits.

~~((2) It is unlawful to fish for sturgeon using barbed hooks in Grays Harbor and Willapa Bay and all rivers and streams draining into each, and in those waters of the Columbia River and tributaries upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam.))~~

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-350 HARDSHELL CLAMS, COCKLES, MUSSELS—AREAS AND SEASONS. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that it is unlawful to take, dig for or possess such shellfish taken for personal use:

- (a) West of the tip of Dungeness Spit from April 1 through October 31.
- (b) Garrison Bay: All state-owned and federally-owned tidelands of Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.
- (c) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.
- (d) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams from ~~((July 1))~~ April 16, 1991, through ((December 31)) April 15, 1992.

(e) Kayak Point County Park—All county-owned tidelands at Kayak Point County Park are closed except county tidelands north of the county fishing pier are open January 1 to June 15 of even-numbered years and county tidelands south of the pier are open January 1 to June 15 of odd-numbered years.

(f) ~~((The following areas))~~ Point Whitney—All state-owned tidelands at Point Whitney are closed to clam digging ((through)) from July 16 through April 15((, 1991)).

- (i) ~~All state-owned tidelands at Bywater Bay.~~
- (ii) ~~All state-owned tidelands at Point Whitney.~~
- (iii) ~~All state-owned tidelands at Eagle Creek.~~
- (g) All state-owned tidelands at Camano Island State Park are closed to clam digging Sunday through Friday of each week.
- (h) ~~((Penrose Point State Park))~~ Eagle Creek—All state-owned tidelands at ((Penrose Point State Park)) Eagle Creek are closed ((August 1, 1990, through August 31, 1990)) to clam digging from July 16 through April 15.

(i) Port Townsend Ship Canal—The state-owned tidelands along the east shore of the canal between Port Townsend Bay and Oak Bay are closed to clam digging through April 15, 1992.

(j) Sequim Bay State Park—All tidelands at Sequim Bay State Park are closed to clam digging through April 15, 1992.

(k) Puget Sound state oyster reserves are closed to clam digging the entire year except the following areas are open for personal use clam harvest:

(i) Oakland Bay—The state-owned oyster reserve tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

(ii) Case Inlet—The state-owned oyster reserve tidelands on the east side of North Bay at the north end of the inlet.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

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

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July 16 through September 15. In addition, it is unlawful to take or possess oysters taken from the following areas except during the periods indicated:

(a) Hood Canal south of a line from Misery Point to Quatsap Point – October 1 through June 30.

(b) ~~((Seat Rock Forest Service campground – May 16 through July 15.~~

~~((c) The following areas are closed through April 15, 1991:~~  
~~((i)) Bywater Bay State Tidelands—((All state-owned tidelands)) May 16 through July 15.~~

~~((ii)) (c) Point Whitney—((All state-owned tidelands)) Closed April 16, 1991, through April 15, 1992.~~

(d) Kitsap Memorial State Park – May 16 through June 15.

(e) Scenic Beach State Park – April 16 through May 15.

(f) Department of fisheries tidelands at Hoodsport Salmon Hatchery – closed year round.

(g) Eagle Creek – April 1 through April 30.

(h) Brown Point – Closed April ((+)) 16, 1991, through ((May)) April 15, 1992.

~~((i) Twanoh State Park – January 1 through June 30. Open to harvest Thursday through Sunday of each week.))~~

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

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-57-290 ICICLE RIVER. Special Bag Limit: Two salmon per day, minimum size 12 inches – May 16 through June 30: Downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.

NEW SECTION

WAC 220-57-313 KENNEDY CREEK. Special Bag Limit – 2 adult salmon – October 1 through November 30: Downstream from the Highway 101 Bridge to mouth. Barbless hooks only.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-340 NEMAH RIVER. (1) Middle Nemah, Bag Limit A – July 1 through January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road.

(2) North Nemah – Bag Limit A – October ((+6)) 1 through January 31: Downstream from lower bridge on dead end Lower Nemah Road to the mouth.

(3) South Nemah – Bag Limit A – July 1 through January 31: Downstream from the confluence of the Middle Nemah to the mouth.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-385 QUILLAYUTE RIVER. Bag Limit A – May ((+6)) 1 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-425 SKAGIT RIVER. (1) Bag Limit A - (~~Aug~~ ~~ust~~) July 1 through December 31: Downstream from the mouth of the Cascade River to Gilligan Creek. Chinook salmon greater than 24 inches in length must be released immediately.

(2) Bag Limit A except that not more than one chinook salmon greater than 24 inches in length may be retained in the daily bag limit - (~~June~~) July 1 through December 31: Downstream from Gilligan Creek. During the period August 16 through September 15, the six salmon daily bag limit may contain up to six pink salmon.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-450 SNOHOMISH RIVER. Bag Limit A - July 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers. It is unlawful to retain pink salmon in even-numbered years.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-460 SOLEDUCK RIVER. Bag Limit A - May (~~16~~) 1 through November 30: Downstream from the concrete pump station at the Soleduck Hatchery.

AMENDATORY SECTION (Amending Order 90-14, filed 3/1/90, effective 4/1/90)

WAC 220-57-497 WENATCHEE RIVER. Special bag limit: 2 salmon per day, minimum size 12 inches - May 16 through June 15. Downstream from the mouth of the Icicle River to the Highway 2 Bridge at Leavenworth.

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

WAC 220-57A-035 CHELAN LAKE (CHELAN COUNTY). Special Bag Limit ((†) 2 chinook salmon per day, minimum size 15 inches.

**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of 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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16-230-615	AMD-P	91-02-106	16-232-110	AMD-P	91-02-106	132K-16-160	NEW-P	91-03-150
16-230-625	AMD-P	91-02-106	16-232-120	AMD-P	91-02-106	132K-16-170	NEW-E	91-03-084
16-230-670	AMD-P	91-02-106	16-232-200	AMD-P	91-02-106	132K-16-170	NEW-P	91-03-150
16-230-675	AMD-P	91-02-106	16-232-205	AMD-P	91-02-106	132K-16-180	NEW-E	91-03-084
16-231-001	AMD-P	91-02-106	16-232-220	AMD-P	91-02-106	132K-16-180	NEW-P	91-03-150
16-231-033	REP-P	91-02-106	16-232-225	AMD-P	91-02-106	132K-16-190	NEW-E	91-03-084
16-231-100	AMD-P	91-02-106	16-232-300	AMD-P	91-02-106	132K-16-190	NEW-P	91-03-150
16-231-148	REP-P	91-02-106	16-232-305	AMD-P	91-02-106	132K-16-200	NEW-E	91-03-084
16-231-200	AMD-P	91-02-106	16-232-315	AMD-P	91-02-106	132K-16-200	NEW-P	91-03-150
16-231-205	AMD-P	91-02-106	16-232-315	AMD-P	91-02-106	132K-16-210	NEW-E	91-03-084
16-231-210	AMD-P	91-02-106	16-232-950	REP-P	91-02-106	132K-16-210	NEW-P	91-03-150
16-231-235	AMD-P	91-02-106	16-403-141	AMD-P	91-03-093	132K-16-210	NEW-E	91-03-084
16-231-238	REP-P	91-02-106	16-470-100	AMD	91-03-115	132K-16-220	NEW-E	91-03-150
16-231-300	AMD-P	91-02-106	16-471-010	NEW	91-03-046	132K-16-220	NEW-P	91-03-084
16-231-305	AMD-P	91-02-106	16-471-015	NEW	91-03-046	132K-16-230	NEW-E	91-03-084
16-231-310	AMD-P	91-02-106	16-471-020	NEW	91-03-046	132K-16-230	NEW-P	91-03-150
16-231-310	AMD-P	91-02-106	16-471-030	NEW	91-03-046	132K-16-240	NEW-E	91-03-084
16-231-330	AMD-P	91-02-106	16-471-040	NEW	91-03-046	132K-16-240	NEW-P	91-03-150
16-231-340	AMD-P	91-02-106	16-471-050	NEW	91-03-046	132K-16-250	NEW-E	91-03-084
16-231-343	REP-P	91-02-106	16-471-060	NEW	91-03-046	132K-16-250	NEW-P	91-03-150
16-231-400	AMD-P	91-02-106	16-471-070	NEW	91-03-046	132K-16-260	NEW-E	91-03-084
16-231-405	AMD-P	91-02-106	16-471-080	NEW	91-03-046	132K-16-260	NEW-P	91-03-150
16-231-410	AMD-P	91-02-106	16-482-001	AMD-P	91-03-105	132K-16-270	NEW-E	91-03-084
16-231-420	AMD-P	91-02-106	16-482-005	NEW-P	91-03-105	132K-16-270	NEW-P	91-03-150
16-231-425	AMD-P	91-02-106	16-482-006	NEW-P	91-03-105	132K-16-280	NEW-E	91-03-084
16-231-500	AMD-P	91-02-106	16-482-007	NEW-P	91-03-105	132K-16-280	NEW-P	91-03-150
16-231-505	AMD-P	91-02-106	16-482-010	AMD-P	91-03-105	132K-16-290	NEW-E	91-03-084
16-231-510	AMD-P	91-02-106	16-482-015	NEW-P	91-03-105	132K-16-290	NEW-P	91-03-150
16-231-525	AMD-P	91-02-106	16-482-016	NEW-P	91-03-105	132K-16-300	NEW-E	91-03-084
16-231-530	AMD-P	91-02-106	16-482-017	NEW-P	91-03-105	132K-16-300	NEW-P	91-03-150
16-231-600	AMD-P	91-02-106	16-482-020	AMD-P	91-03-105	132K-16-310	NEW-E	91-03-084
16-231-605	AMD-P	91-02-106	16-482-030	REP-P	91-03-105	132K-16-310	NEW-P	91-03-150
16-231-610	AMD-P	91-02-106	16-482-040	REP-P	91-03-105	132K-16-320	NEW-E	91-03-084
16-231-615	AMD-P	91-02-106	16-752-300	AMD	91-03-045	132K-16-320	NEW-P	91-03-150
16-231-620	AMD-P	91-02-106	16-752-305	AMD	91-03-045	132K-16-330	NEW-E	91-03-084
16-231-700	AMD-P	91-02-106	16-752-310	RE-AD	91-03-045	132K-16-330	NEW-P	91-03-150
16-231-705	AMD-P	91-02-106	16-752-315	AMD	91-03-045	132K-16-340	NEW-E	91-03-084
16-231-715	AMD-P	91-02-106	16-752-320	RE-AD	91-03-045	132K-16-340	NEW-P	91-03-150

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132K-16-350	NEW-P	91-03-150	173-166-100	NEW	91-03-081	220-57-265	AMD-P	91-03-151
132K-16-360	NEW-E	91-03-084	173-166-110	NEW	91-03-081	220-57-290	AMD-P	91-03-153
132K-16-360	NEW-P	91-03-150	173-166-120	NEW	91-03-081	220-57-313	NEW-P	91-03-153
132K-16-370	NEW-E	91-03-084	173-166-130	NEW	91-03-081	220-57-340	AMD-P	91-03-153
132K-16-370	NEW-P	91-03-150	173-166-140	NEW	91-03-081	220-57-385	AMD-P	91-03-153
132K-16-380	NEW-E	91-03-084	173-204	NEW-C	91-03-094	220-57-425	AMD-P	91-03-153
132K-16-380	NEW-P	91-03-150	173-224-015	AMD-P	91-03-080	220-57-425	AMD-P	91-03-151
132K-16-390	NEW-E	91-03-084	173-224-030	AMD-P	91-03-080	220-57-430	AMD-P	91-03-151
132K-16-390	NEW-P	91-03-150	173-224-040	AMD-P	91-03-080	220-57-435	AMD-P	91-03-151
132K-16-400	NEW-E	91-03-084	173-224-050	AMD-P	91-03-080	220-57-450	AMD-P	91-03-153
132K-16-400	NEW-P	91-03-150	173-224-090	AMD-P	91-03-080	220-57-450	AMD-P	91-03-151
132K-16-410	NEW-E	91-03-084	173-305-010	REP-E	91-03-139	220-57-455	AMD-P	91-03-151
132K-16-410	NEW-P	91-03-150	173-305-01001	NEW-E	91-03-139	220-57-460	AMD-P	91-03-153
132K-16-420	NEW-E	91-03-084	173-305-015	REP-E	91-03-139	220-57-465	AMD-P	91-03-151
132K-16-420	NEW-P	91-03-150	173-305-01501	NEW-E	91-03-139	220-57-470	AMD-P	91-03-151
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132K-16-430	NEW-P	91-03-150	173-305-02001	NEW-E	91-03-139	220-57-497	AMD-P	91-03-153
132K-16-440	NEW-E	91-03-084	173-305-030	REP-E	91-03-139	220-57A-035	AMD-P	91-03-153
132K-16-440	NEW-P	91-03-150	173-305-03001	NEW-E	91-03-139	230-02-240	NEW-P	91-03-062
132K-16-450	NEW-E	91-03-084	173-305-040	REP-E	91-03-139	230-02-505	NEW-P	91-03-062
132K-16-450	NEW-P	91-03-150	173-305-04001	NEW-E	91-03-139	230-04-022	AMD-P	91-03-062
132K-16-460	NEW-E	91-03-084	173-305-050	REP-E	91-03-139	230-04-120	AMD-P	91-03-062
132K-16-460	NEW-P	91-03-150	173-305-05001	NEW-E	91-03-139	230-04-187	NEW-P	91-03-062
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132K-16-470	NEW-P	91-03-150	173-305-06001	NEW-E	91-03-139	230-04-201	AMD-P	91-03-062
132K-16-480	NEW-E	91-03-084	173-305-070	REP-E	91-03-139	230-12-100	NEW-P	91-03-062
132K-16-480	NEW-P	91-03-150	173-305-07001	NEW-E	91-03-139	230-12-305	AMD-P	91-03-062
132K-16-490	NEW-E	91-03-084	173-305-080	REP-E	91-03-139	230-20-380	AMD-C	91-03-049
132K-16-490	NEW-P	91-03-150	173-305-090	REP-E	91-03-139	230-20-699	REP	91-03-063
132K-16-500	NEW-E	91-03-084	173-491-010	NEW-P	91-02-107	230-25-110	AMD-P	91-03-062
132K-16-500	NEW-P	91-03-150	173-491-015	NEW-P	91-02-107	230-25-265	AMD-C	91-03-049
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132K-16-520	NEW-E	91-03-084	173-491-040	NEW-P	91-02-107	230-30-080	AMD-C	91-03-049
132K-16-520	NEW-P	91-03-150	173-491-050	NEW-P	91-02-107	230-40-125	AMD-C	91-03-049
132K-16-530	NEW-E	91-03-084	192-12-300	AMD-E	91-03-054	230-50-030	AMD	91-03-063
132K-16-530	NEW-P	91-03-150	192-12-305	REP-E	91-03-054	232-12-004	AMD-P	91-03-131
132K-16-540	NEW-E	91-03-084	192-12-310	REP-E	91-03-054	232-12-007	AMD-P	91-03-133
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132K-16-550	NEW-E	91-03-084	192-12-330	AMD-E	91-03-054	232-12-017	AMD	91-03-082
132K-16-550	NEW-P	91-03-150	192-12-370	NEW-E	91-03-054	232-28-022	AMD-P	91-03-130
132K-16-560	NEW-E	91-03-084	220-16-055	REP-P	91-03-151	232-28-226	NEW-P	91-03-138
132K-16-560	NEW-P	91-03-150	220-16-220	AMD-P	91-03-153	232-28-215	REP-W	91-02-113
132S-30-036	AMD-P	91-02-101	220-16-257	AMD-P	91-03-153	232-28-224	NEW-W	91-02-113
154-300-005	NEW-P	91-02-098	220-20-010	AMD-P	91-03-153	232-28-226	NEW-P	91-03-138
154-300-010	NEW-P	91-02-098	220-20-01700A	NEW-E	91-03-108	232-28-227	NEW-P	91-03-135
154-300-020	NEW-P	91-02-098	220-32-05700F	NEW-E	91-03-083	232-28-228	NEW-P	91-03-134
154-300-030	NEW-P	91-02-098	220-40-030	AMD-P	91-03-153	232-28-61810	REP-P	91-03-136
154-300-040	NEW-P	91-02-098	220-40-031	AMD-P	91-03-153	232-28-61817	NEW-P	91-03-136
154-300-050	NEW-P	91-02-098	220-44-050	AMD-P	91-03-152	232-28-61811	NEW-W	91-03-066
154-300-060	NEW-P	91-02-098	220-49-063	AMD-P	91-02-108	240-15-005	AMD	91-02-111
154-300-070	NEW-P	91-02-098	220-55-055	AMD-P	91-03-153	240-15-010	AMD	91-02-111
154-300-080	NEW-P	91-02-098	220-55-065	AMD-P	91-03-153	240-15-015	AMD	91-02-111
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154-300-120	NEW-P	91-02-098	220-55-086	AMD-P	91-03-153	240-15-035	AMD	91-02-111
173-19-120	AMD-W	91-02-112	220-55-125	AMD-P	91-03-153	246-816-075	NEW	91-03-109
173-19-2207	AMD-P	91-03-144	220-56-100	AMD-P	91-03-153	246-851	RECOD-C	91-03-116
173-19-230	AMD	91-03-145	220-56-105	AMD-P	91-03-153	246-853-250	NEW-P	91-03-117
173-19-250	AMD	91-03-149	220-56-115	AMD-P	91-03-153	246-853-260	NEW-P	91-03-117
173-19-280	AMD-P	91-03-141	220-56-128	AMD-P	91-03-153	246-853-270	NEW-P	91-03-117
173-19-3203	AMD	91-03-147	220-56-175	AMD-P	91-03-153	246-853-280	NEW-P	91-03-117
173-19-3205	AMD	91-03-146	220-56-180	AMD-P	91-03-153	246-853-290	NEW-P	91-03-117
173-19-3208	AMD	91-03-148	220-56-185	AMD-P	91-03-153	246-853-300	NEW-P	91-03-117
173-19-350	AMD-P	91-03-143	220-56-190	AMD-P	91-03-153	246-853-310	NEW-P	91-03-117
173-166	AMD-C	91-02-099	220-56-205	AMD-P	91-03-153	246-853-320	NEW-P	91-03-117
173-166	AMD	91-03-081	220-56-232	NEW-P	91-03-152	246-853-330	NEW-P	91-03-117
173-166-010	AMD	91-03-081	220-56-235	AMD-P	91-03-153	246-853-340	NEW-P	91-03-117
173-166-020	AMD	91-03-081	220-56-240	AMD-P	91-03-153	246-853-350	NEW-P	91-03-117
173-166-030	AMD	91-03-081	220-56-250	AMD-P	91-03-153	246-922-001	RECOD	91-03-095
173-166-040	AMD	91-03-081	220-56-282	AMD-P	91-03-153	246-922-010	RECOD	91-03-095
173-166-050	AMD	91-03-081	220-56-350	AMD-P	91-03-153	246-922-020	RECOD	91-03-095
173-166-060	AMD	91-03-081	220-56-380	AMD-P	91-03-153	246-922-030	RECOD	91-03-095
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246-922-070	RECOD	91-03-095	296-115-100	AMD	91-03-044	308-31-560	DECOD	91-03-095
246-922-080	RECOD	91-03-095	296-116-185	AMD-P	91-03-075	308-31-570	DECOD	91-03-095
246-922-090	RECOD	91-03-095	296-127	AMD-C	91-03-113	308-53	DECOD-C	91-03-116
246-922-100	RECOD	91-03-095	296-155-225	REP	91-03-044	308-56A-090	NEW	91-03-088
246-922-110	RECOD	91-03-095	296-155-230	REP	91-03-044	308-66-152	AMD	91-03-019
246-922-120	RECOD	91-03-095	296-155-24501	NEW	91-03-044	308-66-156	NEW	91-03-092
246-922-130	RECOD	91-03-095	296-155-24503	NEW	91-03-044	308-77-080	REP	91-03-018
246-922-140	RECOD	91-03-095	296-155-24505	NEW	91-03-044	308-77-100	AMD	91-03-018
246-922-150	RECOD	91-03-095	296-155-24510	NEW	91-03-044	308-77-250	AMD	91-03-017
246-922-160	RECOD	91-03-095	296-155-24515	NEW	91-03-044	308-91-030	AMD-E	91-02-109
246-922-170	RECOD	91-03-095	296-155-24520	NEW	91-03-044	308-91-030	AMD-P	91-02-110
246-922-180	RECOD	91-03-095	296-155-24521	NEW	91-03-044	308-91-090	AMD-E	91-02-109
246-922-190	RECOD	91-03-095	296-155-24525	NEW	91-03-044	308-91-090	AMD-P	91-02-110
246-922-200	RECOD	91-03-095	296-155-480	AMD	91-03-044	308-91-095	NEW-E	91-02-109
246-922-210	RECOD	91-03-095	296-155-485	AMD	91-03-044	308-91-095	NEW-P	91-02-110
246-922-220	RECOD	91-03-095	296-155-48529	AMD	91-03-044	308-91-150	AMD-E	91-02-109
246-922-230	RECOD	91-03-095	296-155-48531	AMD	91-03-044	308-91-150	AMD-P	91-02-110
246-922-240	RECOD	91-03-095	296-155-48533	AMD	91-03-044	308-93-670	NEW	91-03-089
246-922-250	RECOD	91-03-095	296-155-500	AMD	91-03-044	308-94-035	AMD-P	91-03-142
246-922-260	RECOD	91-03-095	296-155-505	AMD	91-03-044	308-96A-505	NEW	91-03-091
246-922-270	RECOD	91-03-095	296-155-50501	REP	91-03-044	308-96A-510	NEW	91-03-091
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296-20-1103	AMD-P	91-03-114	296-155-655	AMD	91-03-044	308-124H-010	AMD-P	91-03-047
296-21-013	AMD-W	91-02-114	296-155-65505	REP	91-03-044	308-124H-025	AMD-P	91-03-047
296-22-053	AMD-W	91-02-114	296-155-657	NEW	91-03-044	308-124H-540	AMD-P	91-03-047
296-22-082	AMD-W	91-02-114	296-155-660	REP	91-03-044	308-138-055	REP-P	91-03-117
296-22-205	AMD-W	91-02-114	296-155-66005	REP	91-03-044	314-52-015	AMD-C	91-03-007
296-23-07907	AMD-W	91-02-114	296-155-66103	NEW	91-03-044	315-06-120	AMD	91-03-036
296-23A-340	AMD-W	91-02-114	296-155-66105	NEW	91-03-044	315-11-200	REP	91-03-034
296-24-020	AMD	91-03-044	296-155-66109	NEW	91-03-044	315-11-201	REP	91-03-034
296-24-065	AMD	91-03-044	296-155-664	NEW	91-03-044	315-11-202	REP	91-03-034
296-24-084	AMD	91-03-044	296-155-665	REP	91-03-044	315-11-210	REP	91-03-034
296-24-150	AMD	91-03-044	296-155-66501	REP	91-03-044	315-11-211	REP	91-03-034
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296-24-19509	AMD	91-03-044	296-155-682	AMD	91-03-044	315-11-230	REP	91-03-034
296-24-200	AMD	91-03-044	296-155-688	AMD	91-03-044	315-11-231	REP	91-03-034
296-24-23023	AMD	91-03-044	296-155-689	AMD	91-03-044	315-11-232	REP	91-03-034
296-24-23027	AMD	91-03-044	296-155-700	AMD	91-03-044	315-11-240	REP	91-03-034
296-24-233	AMD-C	91-03-043	296-155-705	AMD	91-03-044	315-11-241	REP	91-03-034
296-24-23303	NEW-C	91-03-043	296-155-720	AMD	91-03-044	315-11-242	REP	91-03-034
296-24-23533	NEW	91-03-044	296-155-950	AMD	91-03-044	315-11-250	REP	91-03-034
296-24-450	AMD	91-03-044	296-305-110	AMD	91-03-044	315-11-251	REP	91-03-034
296-24-68203	AMD	91-03-044	308-14-135	NEW-W	91-03-065	315-11-252	REP	91-03-034
296-24-75009	AMD	91-03-044	308-31-001	DECOD	91-03-095	315-11-260	REP	91-03-034
296-24-75011	AMD	91-03-044	308-31-010	DECOD	91-03-095	315-11-261	REP	91-03-034
296-24-76555	AMD	91-03-044	308-31-020	DECOD	91-03-095	315-11-262	REP	91-03-034
296-24-87035	NEW	91-03-044	308-31-025	DECOD	91-03-095	315-11-270	REP	91-03-034
296-24-95611	AMD	91-03-044	308-31-030	DECOD	91-03-095	315-11-271	REP	91-03-034
296-52-417	AMD	91-03-044	308-31-040	DECOD	91-03-095	315-11-272	REP	91-03-034
296-52-465	AMD	91-03-044	308-31-050	DECOD	91-03-095	315-11-280	REP	91-03-034
296-52-489	AMD	91-03-044	308-31-057	DECOD	91-03-095	315-11-281	REP	91-03-034
296-52-493	AMD	91-03-044	308-31-060	DECOD	91-03-095	315-11-282	REP	91-03-034
296-52-497	AMD	91-03-044	308-31-100	DECOD	91-03-095	315-11-290	REP	91-03-034
296-62-07314	AMD	91-03-044	308-31-110	DECOD	91-03-095	315-11-291	REP	91-03-034
296-62-07329	AMD	91-03-044	308-31-120	DECOD	91-03-095	315-11-292	REP	91-03-034
296-62-07715	AMD	91-03-044	308-31-210	DECOD	91-03-095	315-11-300	REP	91-03-034
296-62-07719	AMD	91-03-044	308-31-220	DECOD	91-03-095	315-11-301	REP	91-03-034
296-62-07721	AMD	91-03-044	308-31-230	DECOD	91-03-095	315-11-302	REP	91-03-034
296-62-07725	AMD	91-03-044	308-31-240	DECOD	91-03-095	315-11-310	REP	91-03-034
296-62-07731	AMD	91-03-044	308-31-250	DECOD	91-03-095	315-11-311	REP	91-03-034
296-62-07733	AMD	91-03-044	308-31-260	DECOD	91-03-095	315-11-312	REP	91-03-034
296-62-07755	NEW	91-03-044	308-31-270	DECOD	91-03-095	315-11-320	REP	91-03-034
296-115-005	AMD	91-03-044	308-31-280	DECOD	91-03-095	315-11-321	REP	91-03-034
296-115-010	AMD	91-03-044	308-31-500	DECOD	91-03-095	315-11-322	REP	91-03-034
296-115-015	AMD	91-03-044	308-31-510	DECOD	91-03-095	315-11-330	REP	91-03-034
296-115-025	AMD	91-03-044	308-31-520	DECOD	91-03-095	315-11-331	REP	91-03-034
296-115-035	AMD	91-03-044	308-31-530	DECOD	91-03-095	315-11-332	REP	91-03-034
296-115-060	AMD	91-03-044	308-31-540	DECOD	91-03-095	315-11-340	REP	91-03-034

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-11-341	REP	91-03-034	371-08-130	AMD	91-03-028	392-115-065	NEW-P	91-03-001
315-11-342	REP	91-03-034	371-08-131	REP	91-03-028	392-115-070	NEW-P	91-03-001
315-11-350	REP	91-03-034	371-08-132	REP	91-03-028	392-115-075	NEW-P	91-03-001
315-11-351	REP	91-03-034	371-08-135	REP	91-03-028	392-115-080	NEW-P	91-03-001
315-11-352	REP	91-03-034	371-08-140	AMD	91-03-028	392-115-085	NEW-P	91-03-001
315-11-360	REP	91-03-034	371-08-144	AMD	91-03-028	392-115-090	NEW-P	91-03-001
315-11-361	REP	91-03-034	371-08-146	NEW	91-03-028	392-115-095	NEW-P	91-03-001
315-11-362	REP	91-03-034	371-08-147	NEW	91-03-028	392-115-100	NEW-P	91-03-001
315-11-370	REP	91-03-034	371-08-148	NEW	91-03-028	392-115-105	NEW-P	91-03-001
315-11-371	REP	91-03-034	371-08-155	AMD	91-03-028	392-115-110	NEW-P	91-03-001
315-11-372	REP	91-03-034	371-08-156	AMD	91-03-028	392-115-115	NEW-P	91-03-001
315-11-380	REP	91-03-034	371-08-160	REP	91-03-028	392-115-120	NEW-P	91-03-001
315-11-381	REP	91-03-034	371-08-162	NEW	91-03-028	392-115-125	NEW-P	91-03-001
315-11-382	REP	91-03-034	371-08-163	REP	91-03-028	392-115-130	NEW-P	91-03-001
315-11-390	REP	91-03-034	371-08-165	AMD	91-03-028	392-115-135	NEW-P	91-03-001
315-11-391	REP	91-03-034	371-08-175	REP	91-03-028	392-115-140	NEW-P	91-03-001
315-11-392	REP	91-03-034	371-08-180	AMD	91-03-028	392-115-145	NEW-P	91-03-001
315-11-590	AMD	91-03-036	371-08-183	AMD	91-03-028	392-115-150	NEW-P	91-03-001
315-11-591	AMD	91-03-036	371-08-184	NEW	91-03-028	392-115-155	NEW-P	91-03-001
315-11-610	NEW	91-03-036	371-08-186	AMD	91-03-028	392-121-108	AMD	91-02-096
315-11-611	NEW	91-03-036	371-08-187	AMD	91-03-028	392-121-133	AMD	91-02-096
315-11-611	AMD-P	91-03-112	371-08-188	AMD	91-03-028	392-121-136	AMD	91-02-096
315-11-612	NEW	91-03-036	371-08-189	AMD	91-03-028	392-121-182	AMD	91-02-096
315-11-620	NEW-P	91-03-112	371-08-190	REP	91-03-028	392-121-265	AMD	91-02-097
315-11-621	NEW-P	91-03-112	371-08-195	AMD	91-03-028	392-121-268	AMD	91-02-097
315-11-622	NEW-P	91-03-112	371-08-196	AMD	91-03-028	392-121-269	NEW	91-02-097
315-11-630	NEW-P	91-03-112	371-08-200	AMD	91-03-028	392-121-270	AMD	91-02-097
315-11-631	NEW-P	91-03-112	371-08-201	REP	91-03-028	392-121-272	AMD	91-02-097
315-11-632	NEW-P	91-03-112	371-08-205	REP	91-03-028	392-121-280	AMD	91-02-097
315-12-140	REP	91-03-035	371-08-210	REP	91-03-028	392-121-295	AMD	91-02-097
315-12-145	NEW	91-03-036	371-08-215	AMD	91-03-028	392-121-297	REP	91-02-097
352-12-010	AMD-P	91-03-142	371-08-220	AMD	91-03-028	392-121-299	AMD	91-02-097
352-12-020	AMD-P	91-03-142	371-08-230	AMD	91-03-028	392-122-010	AMD	91-03-118
352-12-030	AMD-P	91-03-142	371-08-240	AMD	91-03-028	392-122-100	AMD	91-03-118
352-32-010	AMD-P	91-03-142	371-08-245	REP	91-03-028	392-122-106	AMD	91-03-118
352-32-035	AMD-P	91-03-142	371-12-010	REP	91-03-028	392-122-107	AMD	91-03-118
352-32-045	AMD-P	91-03-142	371-12-020	REP	91-03-028	392-122-110	AMD	91-03-118
352-32-200	AMD-P	91-03-140	371-12-030	REP	91-03-028	392-122-115	REP	91-03-118
352-32-210	AMD-P	91-03-140	371-12-040	REP	91-03-028	392-122-120	AMD	91-03-118
352-32-250	AMD-P	91-03-142	371-12-050	REP	91-03-028	392-122-125	REP	91-03-118
352-32-252	AMD-P	91-03-142	371-12-060	REP	91-03-028	392-122-145	AMD	91-03-118
352-32-270	AMD-P	91-03-142	371-12-070	REP	91-03-028	392-122-165	NEW	91-03-118
356-06-040	AMD-C	91-03-068	371-12-080	REP	91-03-028	392-122-200	AMD	91-03-118
356-10-050	AMD	91-03-070	371-12-090	REP	91-03-028	392-122-206	NEW	91-03-118
356-15-080	AMD	91-03-069	371-12-100	REP	91-03-028	392-122-210	AMD	91-03-118
356-22-130	AMD	91-03-071	371-12-110	REP	91-03-028	392-122-215	REP	91-03-118
356-22-230	AMD-C	91-03-068	371-12-120	REP	91-03-028	392-122-230	AMD	91-03-118
371-08	AMD-C	91-03-027	371-12-130	REP	91-03-028	392-122-235	AMD	91-03-118
371-12	REP-C	91-03-027	388-44-145	AMD-C	91-03-039	392-122-240	REP	91-03-118
371-08-001	NEW	91-03-028	388-150-005	AMD-P	91-03-127	392-122-245	REP	91-03-118
371-08-002	NEW	91-03-028	388-150-005	AMD-E	91-03-128	392-122-250	REP	91-03-118
371-08-005	AMD	91-03-028	388-150-100	AMD-P	91-03-127	392-122-270	AMD	91-03-118
371-08-010	AMD	91-03-028	388-150-100	AMD-E	91-03-128	392-122-600	AMD	91-03-118
371-08-015	REP	91-03-028	388-150-180	AMD-P	91-03-127	392-122-605	AMD	91-03-118
371-08-020	AMD	91-03-028	388-150-180	AMD-E	91-03-128	392-122-610	AMD	91-03-118
371-08-030	AMD	91-03-028	388-150-210	AMD-P	91-03-127	392-122-700	AMD	91-03-118
371-08-031	REP	91-03-028	388-150-210	AMD-E	91-03-128	392-122-800	AMD	91-03-118
371-08-032	AMD	91-03-028	388-150-280	AMD-P	91-03-127	392-122-805	AMD	91-03-118
371-08-033	NEW	91-03-028	388-150-280	AMD-E	91-03-128	392-122-910	NEW	91-03-118
371-08-035	AMD	91-03-028	388-150-390	AMD-P	91-03-127	392-125-014	NEW-P	91-03-050
371-08-040	AMD	91-03-028	388-150-390	AMD-E	91-03-128	392-125-015	AMD-P	91-03-050
371-08-045	REP	91-03-028	388-150-450	AMD-P	91-03-127	392-125-020	AMD-P	91-03-050
371-08-065	AMD	91-03-028	388-150-450	AMD-E	91-03-128	392-125-025	AMD-P	91-03-050
371-08-071	AMD	91-03-028	388-155	NEW-C	91-03-038	392-125-026	NEW-P	91-03-050
371-08-075	AMD	91-03-028	391-101-015	NEW	91-02-095	392-125-027	NEW-P	91-03-050
371-08-080	AMD	91-03-028	392-115-005	NEW-P	91-03-001	392-125-030	AMD-P	91-03-050
371-08-085	AMD	91-03-028	392-115-010	NEW-P	91-03-001	392-125-085	AMD-P	91-03-050
371-08-095	REP	91-03-028	392-115-015	NEW-P	91-03-001	392-127-700	NEW	91-03-129
371-08-100	AMD	91-03-028	392-115-020	NEW-P	91-03-001	392-127-703	NEW	91-03-129
371-08-102	REP	91-03-028	392-115-025	NEW-P	91-03-001	392-127-705	NEW	91-03-129
371-08-104	AMD	91-03-028	392-115-030	NEW-P	91-03-001	392-127-710	NEW	91-03-129
371-08-105	REP	91-03-028	392-115-035	NEW-P	91-03-001	392-127-715	NEW	91-03-129
371-08-106	NEW	91-03-028	392-115-040	NEW-P	91-03-001	392-127-720	NEW	91-03-129
371-08-110	REP	91-03-028	392-115-045	NEW-P	91-03-001	392-127-725	NEW	91-03-129
371-08-115	REP	91-03-028	392-115-050	NEW-P	91-03-001	392-127-730	NEW	91-03-129
371-08-120	REP	91-03-028	392-115-055	NEW-P	91-03-001	392-127-735	NEW	91-03-129
371-08-125	AMD	91-03-028	392-115-060	NEW-P	91-03-001	392-127-740	NEW	91-03-129

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-127-745	NEW	91-03-129	415-108-326	NEW	91-03-015	448-12-340	REP-S	91-03-123
392-127-750	NEW	91-03-129	415-112-720	NEW	91-03-016	448-13-010	NEW-S	91-03-123
392-127-755	NEW	91-03-129	415-112-722	NEW	91-03-016	448-13-020	NEW-S	91-03-123
392-127-760	NEW	91-03-129	415-112-725	NEW	91-03-016	448-13-030	NEW-S	91-03-123
392-127-765	NEW	91-03-129	415-112-727	NEW	91-03-016	448-13-040	NEW-S	91-03-123
392-127-770	NEW	91-03-129	419-14-030	AMD-P	91-03-107	448-13-050	NEW-S	91-03-123
392-127-775	NEW	91-03-129	419-14-040	AMD-P	91-03-107	448-13-060	NEW-S	91-03-123
392-127-780	NEW	91-03-129	419-14-090	AMD-P	91-03-107	448-13-070	NEW-S	91-03-123
392-127-785	NEW	91-03-129	419-14-100	AMD-P	91-03-107	448-13-080	NEW-S	91-03-123
392-127-790	NEW	91-03-129	419-14-110	AMD-P	91-03-107	448-13-090	NEW-S	91-03-123
392-127-795	NEW	91-03-129	419-18-030	AMD-P	91-03-106	448-13-100	NEW-S	91-03-123
392-127-800	NEW	91-03-129	419-18-040	AMD-P	91-03-106	448-13-110	NEW-S	91-03-123
392-127-805	NEW	91-03-129	419-18-050	AMD-P	91-03-106	448-13-120	NEW-S	91-03-123
392-127-810	NEW	91-03-129	419-18-060	AMD-P	91-03-106	448-13-130	NEW-S	91-03-123
392-127-815	NEW	91-03-129	419-18-070	AMD-P	91-03-106	448-13-140	NEW-S	91-03-123
392-127-820	NEW	91-03-129	434-42-900	NEW-P	91-03-125	448-13-150	NEW-S	91-03-123
392-127-825	NEW	91-03-129	434-42-900	NEW-E	91-03-126	448-13-160	NEW-S	91-03-123
392-127-830	NEW	91-03-129	434-42-905	NEW-P	91-03-125	448-13-170	NEW-S	91-03-123
392-140-340	NEW	91-02-094	434-42-905	NEW-E	91-03-126	448-13-180	NEW-S	91-03-123
392-140-341	NEW	91-02-094	434-42-910	NEW-P	91-03-125	448-13-190	NEW-S	91-03-123
392-140-342	NEW	91-02-094	434-42-910	NEW-E	91-03-126	448-13-200	NEW-S	91-03-123
392-140-343	NEW	91-02-094	434-42-915	NEW-P	91-03-125	448-13-210	NEW-S	91-03-123
392-140-345	NEW	91-02-094	434-42-915	NEW-E	91-03-126	448-13-220	NEW-S	91-03-123
392-140-346	NEW	91-02-094	434-42-920	NEW-P	91-03-125	448-14-010	REP-P	91-03-124
392-140-347	NEW	91-02-094	434-42-920	NEW-E	91-03-126	448-14-020	REP-P	91-03-124
392-140-348	NEW	91-02-094	434-42-925	NEW-P	91-03-125	448-14-030	REP-P	91-03-124
392-140-349	NEW	91-02-094	434-42-925	NEW-E	91-03-126	448-15-010	NEW-P	91-03-124
392-140-350	NEW	91-02-094	434-42-930	NEW-P	91-03-125	448-15-020	NEW-P	91-03-124
392-140-351	NEW	91-02-094	434-42-930	NEW-E	91-03-126	448-15-030	NEW-P	91-03-124
392-140-352	NEW	91-02-094	434-42-935	NEW-P	91-03-125	448-15-040	NEW-P	91-03-124
392-140-353	NEW	91-02-094	434-42-935	NEW-E	91-03-126	448-15-050	NEW-P	91-03-124
392-140-354	NEW	91-02-094	434-42-940	NEW-P	91-03-125	448-15-060	NEW-P	91-03-124
392-140-355	NEW	91-02-094	434-42-940	NEW-E	91-03-126	448-15-070	NEW-P	91-03-124
392-140-356	NEW	91-02-094	434-42-945	NEW-P	91-03-125	448-15-080	NEW-P	91-03-124
392-140-357	NEW	91-02-094	434-42-945	NEW-E	91-03-126	458-20-109	PREP	91-03-057
392-140-358	NEW	91-02-094	434-42-950	NEW-P	91-03-125	458-20-110	PREP	91-03-058
392-140-359	NEW	91-02-094	434-42-950	NEW-E	91-03-126	463-06-010	AMD	91-03-090
392-140-360	NEW	91-02-094	434-42-955	NEW-P	91-03-125	463-10-010	AMD	91-03-090
392-140-361	NEW	91-02-094	434-42-955	NEW-E	91-03-126	463-14-030	AMD	91-03-090
392-140-362	NEW	91-02-094	434-42-960	NEW-P	91-03-125	463-14-080	AMD	91-03-090
392-140-363	NEW	91-02-094	434-42-960	NEW-E	91-03-126	463-18-020	AMD	91-03-090
392-140-364	NEW	91-02-094	434-42-965	NEW-P	91-03-125	463-26-120	AMD	91-03-090
392-140-365	NEW	91-02-094	434-42-965	NEW-E	91-03-126	463-26-130	AMD	91-03-090
392-140-366	NEW	91-02-094	434-42-970	NEW-P	91-03-125	463-28-060	AMD	91-03-090
392-140-367	NEW	91-02-094	434-42-970	NEW-E	91-03-126	463-28-080	AMD	91-03-090
392-140-368	NEW	91-02-094	434-42-975	NEW-P	91-03-125	463-38-041	AMD	91-03-090
392-140-369	NEW	91-02-094	434-42-975	NEW-E	91-03-126	463-38-042	AMD	91-03-090
392-140-370	NEW	91-02-094	434-42-980	NEW-P	91-03-125	463-38-063	AMD	91-03-090
392-140-371	NEW	91-02-094	434-42-980	NEW-E	91-03-126	463-39-130	REP	91-03-090
392-140-372	NEW	91-02-094	434-42-985	NEW-P	91-03-125	463-39-150	AMD	91-03-090
392-140-373	NEW	91-02-094	434-42-985	NEW-E	91-03-126	463-42-680	NEW-P	91-03-132
392-140-374	NEW	91-02-094	448-12-010	REP-S	91-03-123	463-43-060	AMD	91-03-090
392-140-375	NEW	91-02-094	448-12-015	REP-S	91-03-123	463-47-060	AMD	91-03-090
392-140-376	NEW	91-02-094	448-12-016	REP-S	91-03-123	463-50-030	AMD	91-03-090
392-140-377	NEW	91-02-094	448-12-020	REP-S	91-03-123	463-54-070	AMD	91-03-090
392-140-378	NEW	91-02-094	448-12-030	REP-S	91-03-123	463-58-030	AMD	91-03-090
392-140-379	NEW	91-02-094	448-12-040	REP-S	91-03-123	480-04-100	AMD-P	91-03-098
392-140-380	NEW	91-02-094	448-12-050	REP-S	91-03-123	480-09-015	AMD-P	91-02-105
392-140-381	NEW	91-02-094	448-12-055	REP-S	91-03-123	480-09-100	AMD-P	91-02-105
392-140-390	NEW	91-02-094	448-12-060	REP-S	91-03-123	480-09-120	AMD-P	91-02-105
392-140-391	NEW	91-02-094	448-12-070	REP-S	91-03-123	480-09-125	NEW-P	91-03-100
392-140-392	NEW	91-02-094	448-12-075	REP-S	91-03-123	480-09-440	AMD-P	91-02-105
392-140-393	NEW	91-02-094	448-12-080	REP-S	91-03-123	480-09-500	AMD-P	91-02-105
392-145-015	AMD-P	91-03-074	448-12-090	REP-S	91-03-123	480-09-510	AMD-P	91-02-105
392-145-030	AMD-P	91-03-074	448-12-100	REP-S	91-03-123	480-09-520	NEW-P	91-03-097
392-202-003	AMD	91-03-119	448-12-210	REP-S	91-03-123	480-09-610	AMD-P	91-02-105
415-100-041	NEW	91-03-013	448-12-220	REP-S	91-03-123	480-09-736	AMD-P	91-02-105
415-100-045	NEW	91-03-013	448-12-230	REP-S	91-03-123	480-12-500	NEW	91-03-101
415-100-051	NEW	91-03-013	448-12-240	REP-S	91-03-123	480-12-510	NEW	91-03-101
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