

# Washington State Register

**MARCH 3, 1993**

**OLYMPIA, WASHINGTON**

**ISSUE 93-05**



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filed not later than February 17, 1993

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of March 1993 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.

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# WASHINGTON STATE REGISTER

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

### 2. 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 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.

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

### 4. EFFECTIVE DATE IF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

### 5. 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].

**1992 - 1993**  
**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		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
93-09	Mar 24	Apr 7	Apr 21	May 5	May 25
93-10	Apr 7	Apr 21	May 5	May 19	Jun 8
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93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
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93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon 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.

## **Regulatory Fairness Act**

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

### **AN SBEIS IS REQUIRED**

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule IMPOSES costs to business that are not minor and negligible.

### **AN SBEIS IS NOT REQUIRED**

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

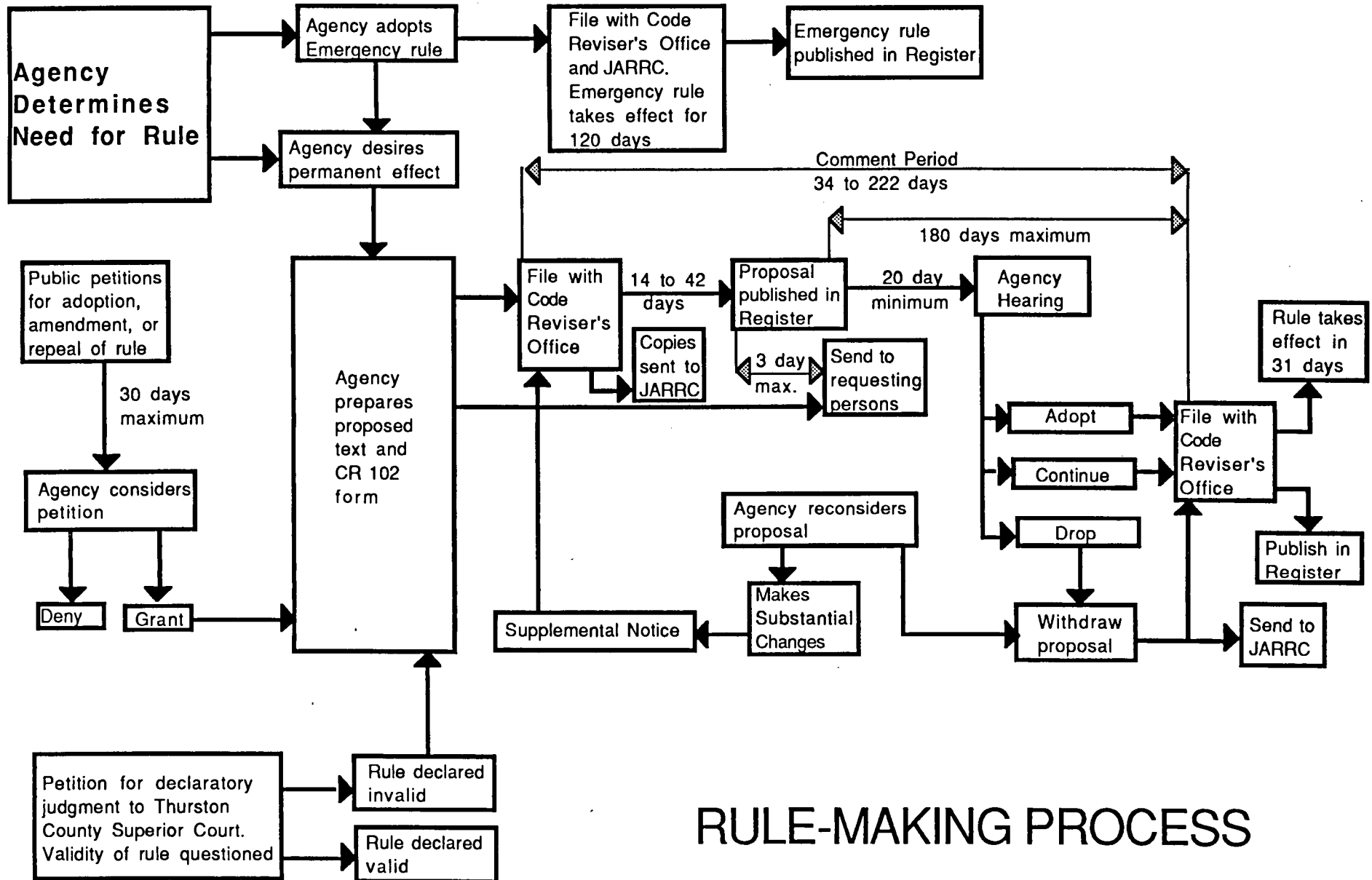
There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

The rule is proposed as an emergency rule, although an SBEIS may be required when an emergency rule is proposed as a permanent rule; or

The rule is pure restatement of statute.



# RULE-MAKING PROCESS

**WSR 93-05-004**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed February 4, 1993, 11:35 a.m.]

**Original Notice.**

**Title of Rule:** WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values.

**Purpose:** Federal regulations do not require a vehicle to be "used and useful" in order to qualify for the exemption of a vehicle with an equity value of \$1,500 or less. This rule is being amended to ensure that requirements are not more restrictive than the federal regulations which govern this resource exemption.

**Statutory Authority for Adoption:** RCW 74.04.040.

**Statute Being Implemented:** RCW 74.04.040.

**Summary:** The phrase "used and useful" is being removed from WAC 388-28-435 which describes the resource exemptions for vehicles. The department can exempt up to \$1,500 equity value for any one vehicle, whether or not that vehicle is considered "used and useful."

**Reasons Supporting Proposal:** Federal regulations do not require a vehicle to be "used and useful" in order to qualify for this exemption.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Sandy Jsames, Division of Income Assistance, 438-8313.

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

**Rule is necessary because of federal law, 45 CFR 233.20 (a)(3)(i)(B)(2).**

**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, 14th and Franklin, Olympia, Washington, on March 23, 1993, at 10:00 a.m.

**Submit Written Comments to:** Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by March 19, 1993.

**Date of Intended Adoption:** March 24, 1993.

February 4, 1993

Rosemary Carr

Acting Director

Administrative Services

**AMENDATORY SECTION** (Amending Order 3423, filed 7/23/92, effective 8/23/92)

**WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values.** (1) Resources shall not exceed one thousand dollars per household regardless of size. The department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, excess equity value of vehicles, value of

nonexempt property, and any other resources not specifically exempt.

(2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(3) The department shall exempt term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(4) The department shall exempt one cemetery plot for each assistance household member.

(5) The department shall exempt one (~~used and useful~~) vehicle with an equity value of one thousand five hundred dollars or less.

(6) The department shall consider an income tax refund a resource in the month received. "Income tax refund" means a payment received from a state or from the United States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The earned income tax credit portion of the refund is considered a resource in the second month following the month of receipt.

**WSR 93-05-010**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**

[Filed February 8, 1993, 11:15 a.m.]

**Original Notice.**

**Title of Rule:** Amendment to forest practices rules, Title 222 WAC.

**Purpose:** To modify provisions of forest practices rules to protect public resources while maintaining a viable timber industry.

**Statutory Authority for Adoption:** RCW 76.09.040, 76.09.060, and chapter 34.05 RCW.

**Statute Being Implemented:** Chapter 76.09 RCW.

**Summary:** To modify forest practice rules to revise critical wildlife habitat (state) and critical habitat (federal) for the northern spotted owl; correct a water quality WAC reference; add a new subsection regarding meeting other agency requirements; and make nonsubstantial editorial corrections to Title 222 WAC.

**Name of Agency Personnel Responsible for Drafting:** Judith Holter, 1111 Washington Street S.E., Olympia, WA, (206) 902-1412; **Implementation and Enforcement:** Jack Hulsey, 1111 Washington Street S.E., Olympia, WA, (206) 902-1400.

**Name of Proponent:** State of Washington Forest Practices Board, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposal revises WAC 222-16-080 [(1)](h) by proposing interim rules for critical wildlife habitat (state) for the northern spotted owl. The proposed rule will expire on February 9, 1994. Prior to this expiration date, the board will reconsider the protection of spotted owls based on consideration of advancing science and increased data analysis; corrects the water quality WAC citation in WAC 222-30-040(2), shade requirements to maintain stream

temperature; adds a new subsection WAC 222-50-020(5), other agency requirements, which clarifies that compliance with the Forest Practices Act or rules does not necessarily infer compliance with the Endangered Species Act or other federal regulations; and corrects wording errors and makes nonsubstantial editorial changes in Title 222 WAC.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Natural Resources Building, Conference Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on April 1, 1993, at 2 p.m.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, by April 7, 1993.

Date of Intended Adoption: May 12, 1993.

February 5, 1993

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

**WAC 222-08-040 Regular meetings.** Regular meetings of the forest practices board shall be held quarterly on the second Wednesday of February, May, August and November, at a location to be designated by the forest practices board. Any person may obtain information as to said location and meeting time by contacting the Department of Natural Resources, Forest Practices Division ((of Forest Regulation and Assistance)), Olympia, Washington 98504-7012. A schedule of meetings will be published in the Washington Register in January of each year.

AMENDATORY SECTION (Amending Order 429, Resolution No. 8-8-84, filed 8/29/84, effective 10/1/84)

**WAC 222-10-110 Board's SEPA public information center.** There is hereby established in the ((Public Lands)) Natural Resources Building, ((2nd)) 4th Floor, Olympia, Washington, the location of the board's SEPA public records in accordance with chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

**WAC 222-12-020 Regulation sections.** These regulations are organized as follows:

- ~~Section I Practices and procedures;~~
- ~~Section II Policy and organization;~~
- ~~Section III Definitions;~~
- ~~Section IV Application and notification procedures;~~
- ~~Section V Road construction and maintenance;~~
- ~~Section VI Timber harvesting;~~
- ~~Section VII Reforestation;~~
- ~~Section VIII Forest chemicals;~~

- ~~Section IX Supplemental directives;~~
- ~~Section X Enforcement;~~
- ~~Section XI Relationship to other laws and regulations;))~~

Chapter 222-08 WAC Practices and procedures.  
Chapter 222-10 WAC State Environmental Policy Act Guidelines.

Chapter 222-12 WAC Policy and Organization.

Chapter 222-16 WAC Definitions.

Chapter 222-20 WAC Application and notification procedures.

Chapter 222-22 WAC Watershed analysis.

Chapter 222-24 WAC Road construction and maintenance.

Chapter 222-30 WAC Timber harvesting.

Chapter 222-34 WAC Reforestation.

Chapter 222-38 WAC Forest chemicals.

Chapter 222-42 WAC Supplemental directives.

Chapter 222-46 WAC Enforcement.

Chapter 222-50 WAC Relationship to other laws and regulations.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

**WAC 222-12-050 Notices to comply—Stop work orders.** (1) **Violations.** When a forest practice has been completed, the department may issue a notice to comply requiring the operator or landowner to correct or compensate for damage to public resources where there was:

- (a) A violation of the act, or these rules and regulations, or
- (b) A deviation from the approved application, or
- (c) A wilful or negligent disregard for potential damage to a public resource.

(2) **Other required action.** When a forest practice has not yet been completed, the department may issue either a notice to comply to the operator and/or landowner, or a stop work order to the operator, requiring him/her to prevent potential or continuing damage to a public resource where:

- (a) The need for additional actions or restrictions has become evident, and
- (b) The department determines that a specific course of action is needed to prevent potential or continuing damage to public resources, and
- (c) The damage would result or is resulting from the forest practices activities, whether or not the activities involve any violation, unauthorized deviation or negligence.

(3) **No notice to comply** shall be issued to require a person to prevent, correct, or compensate for any damage to public resources which occurs more than 1 year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules and regulations: *Provided*, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance.

(4) **No notice to comply** to recover money damages shall be issued more than 2 years after the date the damage involved occurs.



(5) **In emergency action**, where the department requires the operator or landowner to do immediate work in the bed of the stream the department shall first seek approval from the departments of fisheries and ((game)) wildlife.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations: "Act" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce and may be associated with open water.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only

to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"**Conversion to a use other than commercial timber operation**" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"**Critical habitat (federal)**" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3(5)(A) and 4(a)(3) of the Federal Endangered Species Act.

"**Critical wildlife habitat (state)**" means those habitats designated by the board in accordance with WAC 222-16-080.

"**Cultural resources**" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"**Cumulative effects**" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"**Debris**" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"**Department**" means the department of natural resources.

"**Eastern Washington**" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

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Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;  
Fertilization;  
Prevention and suppression of diseases and insects;  
Salvage of trees; and  
Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other

material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products((-));

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery,

chain saws, portable generators, pumps, and powered backpack devices.

"**Public resources**" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"**Rehabilitation**" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"**Resource characteristics**" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"**Riparian management zone**" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"**Rodenticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"**Salvage**" means the removal of snags, down logs, windthrow, or dead and dying material.

"**Scarification**" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"**Shorelines of the state**" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"**Side casting**" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

((**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).))

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by

the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Merit of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face,"

animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

\*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter

222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

\*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

\*(h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

\*(i) Filling or draining of more than 0.5 acre of a wetland.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to

urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

\* (b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

\* (c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\* (d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\* (e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

\* (f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

\* (n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\* (o) Ground application of chemicals. (See WAC 222-38-020 and 222-38-030.)

\* (p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. ((A#)) A hydraulics project approval from the Washington department of wildlife or the Washington department of fisheries may be required.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

\* (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

\* (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

\* (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-

water mark of a Type 4 Water, within a wetland management zone or within a wetland and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

\* (b) Those within the shorelines of the state other than those in a Class I forest practice.

\* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

\* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

\* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

\* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

\* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

\* (n) Any filling of wetlands, except where classified as Class IV forest practices.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-16-070 Pesticide uses with the potential for a substantial impact on the environment.** \*To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section. See WAC 222-16-050 (1)(a).

(1) Pesticide list - The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The department shall conduct, in consultation with the departments of ecology, health, agriculture, and wildlife, an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) Active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) Toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution," "warning," "danger," or "danger - poison" except as modified to consider aquatic or mammalian toxicity; and

(c) Whether the pesticide is a state restricted use pesticide for the protection of ground water under WAC 16-228-164(1).

(2) Key for evaluating applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:



KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED CHEMICALS

Question	Question	Resp	Action
1 (a)	Is the pesticide on the pesticide list (WAC 222-16-070(1))?	Yes No	go to 2 go to 1(b)
1 (b)	Is the pesticide being used under a Dept of Agriculture Experimental Use Permit (WAC 16-228-125)?	Yes No	Class III Class IV Sp
2	Is the toxicity rating for the pesticide to be used "danger - poison" as designated in the pesticide list (WAC 222-16-070(1)(b))?	Yes No	Class IV Sp go to 3(a)
3 (a)	Is <i>Bacillus thuringiensis</i> (BT) the only pesticide being used on this application?	Yes No	go to 3(b) go to 4(a)
3 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical wildlife habitat (State) of a species within the application area that is susceptible to the BT strain being used?	Yes No	Class IV Sp Class III
4 (a)	Is this operation occurring over ground water with a high susceptibility to contamination as specified in EPA 910/9-87-189 or in documentation provided by the department of ecology?	Yes No	go to 4(b) go to 5(a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of ground water under WAC 16-228-164 (1)?	Yes No	Class IV Sp go to 5(a)
5 (a)	Is the operation adjacent (within 100 ft.) to surface water?	Yes No	go to 5(b) go to 5(e)
5 (b)	Determine the toxicity rating from the pesticide list: * Is the toxicity rating "Caution" or "Warning"? * Is the toxicity rating "Danger"?	Yes Yes	go to 5(c) go to 5(d)
5 (c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within one half mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (d)	Is there a Group A or B water surface water system intake OR a fish hatchery intake within 1 mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp go to 5(f)
5 (f)	Is the operation applying a pesticide in a Type A or B wetland?	Yes No	Class IV Sp go to 6(a)
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp go to 6(b)
6 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical wildlife habitat (State) of a species within the application area?	Yes No	Class IV Sp go to 6(c)
6 (c)	If there is a special concern identified for this pesticide in the Board manual, does it apply to this application?	Yes No	Class IV Sp Class III

(3) Special concerns (see WAC 222-16-070 (2)6(c) shall be evaluated by the department of agriculture. Information regarding special concerns shall be presented to the board for review. Approved special concerns shall be included in the board's manual. Special concerns shall include situations where use of pesticides has the potential for a substantial impact on the environment, beyond those covered specifically in the key in subsection (2) of this section.

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 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.** (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates

of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - ~~((Effective December 1, 1992,))~~ harvesting, road construction, or aerial application of pesticides on the 500 acres of suitable nesting, breeding, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of wildlife. ~~((Prior to the above effective date, the department shall determine what constitutes critical wildlife habitat (state) for spotted owls in consultation with the department of wildlife. The department's determination shall be limited to harvesting, road construction, or aerial application of pesticides, on lands known to contain the nest or breeding grounds of Status 1, 2, or 3 spotted owls, documented by the department of wildlife.))~~

This rule is intended to be interim and ~~((shall be changed as necessary upon))~~ will expire on February 9, 1994. Prior to the above expiration date the forest practices board will reconsider the protection of spotted owls based on consideration of advancing science and increased data analysis, as well as the board's landscape planning for wildlife and would be influenced by the completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.

The department shall rely upon the department of wildlife for the determination of status based on the following definitions:

- Status 1 Pair or reproductive - the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.
- Status 2 Two birds, pair status unknown - the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.
- Status 3 Resident territorial single - the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several



years (i.e., 2 responses in year one and 1 response in year two, for the same general area).

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

(3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).

(6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including

baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:

(a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or

(b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

AMENDATORY SECTION (Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)

**WAC 222-20-010 Applications and notifications—Policy.** (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-050 Road maintenance.** \*(1) **Road maintenance and abandonment plan.**

(a) The landowner when notified by the department shall submit a plan for road maintenance and abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. The plan is subject to annual review and shall include:

- (i) Ownership maps showing the road or road system;
- (ii) Road status, whether active, inactive, abandoned or planned for abandonment;
- (iii) Maintenance schedule and priorities for the year; and
- (iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.

(b) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

(c) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.

(d) Such plans shall also be reviewed with departments of ecology, fisheries and wildlife and affected Indian tribes, any of whom may request an informal conference with the landowner.

\* (2) **Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

- (a) Culverts and ditches shall be kept functional.
- (b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.
- (c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

\* (3) **Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from

a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.

**\*(4) Additional culverts/maintenance.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

- (a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or
- (b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

**\*(5) Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance only after (e) of this subsection is completed:

- (a) Roads are outslopped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and
- (b) Ditches are left in a suitable condition to reduce erosion; and
- (c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and
- (d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.
- (e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

**\*(6) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

**\*(7) Road surface treatment.**

- (a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.951.060(5).
- (b) Water the road surface prior to application of oil to assist in penetration.
- (c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.
- (d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.
- (e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.
- (f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

**AMENDATORY SECTION** (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

**\*(2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

**\*(3) Western Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

WATER TYPE/ AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE LEAVE TREES	# TREES/1000 FT. EACH SIDE	
			GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees

3 Water 50' 5' & over	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water 25' less than 5'	1 to 1/ 6" or next largest available	25 trees	25 trees

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

**\*(4) Eastern Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010(~~((33))~~) "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010(~~((33))~~) "Partial cutting.")

**\*(5) Riparian leave tree areas.** The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

(6) **Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of wildlife, the department of fisheries, and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

(7) **Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

\*(a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

WETLAND MANAGEMENT ZONE WIDTHS

Wetland Type	Acres of Nonforested Wetland	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A	Greater than 5	200 feet	100 feet	50 feet
A	0.5 to 5	100 feet	50 feet	25 feet
A Bog/Fen	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ Required		

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

\*(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

\*(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\*(8) **Nonforested wetlands (Type A or B).** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(9) **Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) **Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Eastern Washington, for 5 years from the effective date of this subsection where over-story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point

within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-040 Shade requirements to maintain stream temperature.** \*(1) Determination of adequate shade. The temperature prediction method in subsections (2) and (3) of this section shall be used to determine appropriate shade levels for flowing Type 1, 2, and 3 Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources.

\* (2) Temperature prediction method. In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on flowing Type 1, 2, and 3 Waters as provided by the method described in the board manual which includes the following considerations:

- (a) Minimum shade retention requirements; and
- (b) Regional water temperature characteristics; and
- (c) Elevation; and

(d) Temperature criteria defined for stream classes in chapter 173-201A WAC ((+73-203-030)).

\* (3) Leave tree requirements for shade. The method described in subsection (2) of this section shall be used to establish the minimum shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

(4) **Waivers.** The department may waive or modify the shade requirements where:

(a) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or

(b) The applicant provides alternative means of stream temperature control satisfactory to the department; or

(c) The temperature method indicates that additional shade will not affect stream temperature.

**AMENDATORY SECTION** (Amending WSR 92-20-021, filed 9/28/92, effective 10/29/92)

**WAC 222-34-040 Site preparation and rehabilitation.** \*(1) Heavy equipment. Heavy equipment shall not be

used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or unnecessary damage to soil productivity would occur or erosion would result in damage to water quality; or

(b) Within riparian management zones((+)), Type A and B Wetlands, wetland management zones((+))<sub>1</sub> or within 10 feet of the ordinary high-water mark of Type 4 and 5 Waters on slopes of 30 percent or less. On slopes greater than 30 percent heavy equipment shall not operate within 50 feet of Type 1 through 5 Waters unless a site specific plan has been approved by the department.

**\*(2) Surface water drainage.** Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake, pond, or wetland siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

**\*(3) Stream channel alignment.** Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type 1, 2 or 3 Water, the work shall be done only:

(a) After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

(b) Where no significant adverse affects on either the peak or minimum water levels or flows downstream can be expected.

(c) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property.

(NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-38-020 Handling, storage, and application of pesticides.** **\*(1) No pesticide leakage, contamination, pollution.**

((+)) Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

**\*(2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

**\*(3) Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(5) Aerial application of pesticides.**

(a) To keep pesticides out of the water, leave a 50 foot buffer strip on all typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aeri ally treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

**\*(6) Ground application of pesticides with power equipment.**

Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

**\*(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or



(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

**\*(10) Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

**\*(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-38-030 Handling, storage, and application of fertilizers.** **\*(1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

**\*(2) Riparian management zone.** Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(3) Wetland management zone.** Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a 25 foot buffer on all Type 1, 2, and 3 Waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot (~~and~~) with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

**\*(5) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(6) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

**AMENDATORY SECTION** (Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)

**WAC 222-46-020 Informal conferences.** (1) **Opportunity mandatory.** The department shall afford the operator or his/her representative reasonable opportunities to discuss proposed enforcement actions at an informal conference prior to taking further enforcement action, unless the department determines that there may be imminent damages to the public resource. Informal conferences may be used at any stage in enforcement proceedings, except that the department may refuse to conduct informal conferences with respect to any matter then pending before the appeals board or a court.

(2) **Reports required.** Department personnel in attendance at informal conferences shall keep written notes of the date and place of the conference, the persons in attendance, the subject matter discussed, and any decisions reached with respect to further enforcement action.

(3) **Records available.** Copies of written notes shall be sent to each participant in the conference, be kept in the department files until one year after final action on the application involved, and be open to public inspection.

(4) **Local government entity conditions.** If the proposed enforcement actions involve conditions imposed pursuant to WAC 222-20-040(3), then the local government entity shall be involved in the informal conference.

**AMENDATORY SECTION** (Amending Order 551, Resolution No. 88-1, filed 9/21/88, effective 11/1/88)

**WAC 222-50-020 Other agency requirements.** (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) **Hydraulics project approval law, RCW 75.20.100.** A hydraulics project approval must be obtained from the



department of fisheries and the department of wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-14-010.

(3) **Compliance with the Shoreline Management Act**, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) Federal Endangered Species Act, 16 U.S.C. 1531 et seq., and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the Forest Practice Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.

**WSR 93-05-013**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed February 9, 1993, 8:20 a.m.]

Original Notice.

Title of Rule: E-911 reverse data searches, adopting WAC 480-120-350, allowing reverse searches of the E-911 location database when required to discover the location of a known telephone line because of an apparent emergency requiring immediate response. The proposed new section is shown below as Appendix A, Docket No. UT-930036. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendatory section on economic values, pursuant to chapter 43.21H RCW.

Purpose: See Explanation of Rule below.

Statutory Authority for Adoption: RCW 80.01.040.

Summary and Reasons Supporting Proposal: The proposal will promote efficient use of government resources by allowing reverse searches of E-911 information when required in emergency circumstances saving time and expense. The proposal provides for recordkeeping and access to information to protect personal privacy interests.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., (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: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would permit a 911 service public safety agency to conduct a database search in connection with an ongoing E-911 call. It would permit a reverse search of the E-911 database in the absence of a pending E-911 call from the number searched in order to save time and expense, when the telephone number is known, but not the location, and an apparent emergency requires immediate dispatch of public safety personnel to the location. To protect privacy interests, the proposal would require both the local exchange company and the E-911 public safety agency to keep records of any reverse search of the ALI/DMS database by the E-911 service agency, and to disclose information about such searches to the subscriber of the searched number.

Proposal does not change existing rules.

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

The proposal does not affect more than 20% of all industry nor more than 10% of any one industry.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on April 7, 1992 [1993], at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, WA, by March 15, 1992 [1993].

Date of Intended Adoption: April 7, 1992 [1993].

February 10, 1993

Paul Curl  
Secretary

NEW SECTION

**WAC 480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base—When permitted.** (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the representative of the public safety answering point, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) A record shall be created by the telecommunications local exchange company (LEC) or in the data base that is searched, independent of the PSAP and accessible to the LEC, at the time of the reverse search showing the date and time, the number searched, the PSAP and, if feasible, the PSAP agent position from which the reverse search is initiated. The records shall be retained for at least three years following the search.

(3) No reverse search may be made unless the public safety answering point makes a record of the search and the circumstances requiring the search. The PSAP shall retain its records of each reverse search for at least three years following the search.

(4) The PSAP and the LEC shall each disclose, upon inquiry by a customer, whether the customer's line information in the ALI/DMS has been searched within the three

years prior to the inquiry. If the line has been searched, the PSAP and the LEC shall disclose to the customer the information about the search in its respective possession.

(5) Reverse search shall not be used for criminal or legal investigations or other nonemergency purposes.

February 9, 1993  
William N. Rice  
Assistant Director

**WSR 93-05-015**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**

[Filed February 9, 1993, 1:11 p.m.]

**Original Notice.**

**Title of Rule:** Amending WAC 458-14-015 Jurisdiction of county boards of equalization, 458-14-025 Assessment roll corrections not requiring board action, 458-14-127 Reconvened boards—Authority and 458-14-170 Appeals to the State Board of Tax Appeals; and new sections WAC 458-14-026 Assessment roll corrections agreed to by taxpayer and 458-14-171 Direct appeals to Board of Tax Appeals.

**Purpose:** Amendments are for purposes of clarification and to comply with recent statutory changes.

**Statutory Authority for Adoption:** RCW 84.08.010, 84.08.070, and 84.48.200.

**Statute Being Implemented:** RCW 84.40.038, 84.40.085, and 84.48.065.

**Summary:** These amendments and new sections bring the rules up to date with recent legislation.

**Reasons Supporting Proposal:** To comply with recent legislation and clarify previous rules.

**Name of Agency Personnel Responsible for Drafting:** James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; **Implementation:** Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and **Enforcement:** William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

**Name of Proponent:** Department of Revenue, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** These rules implement recent statutory changes and clarify procedural matters relative to board of equalization appeals.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): The changes to this rule do not impose any performance requirement on taxpayers. Therefore, this rule has no identifiable economic impact.

**Hearing Location:** Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 26, 1993, at 9:30 a.m.

**Submit Written Comments to:** Jim Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, FAX (206) 586-7603, by March 26, 1993.

**Date of Intended Adoption:** April 2, 1993.

**AMENDATORY SECTION** (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

**WAC 458-14-015 Jurisdiction of county boards of equalization.** (1) Boards have jurisdiction to hear all appeals as may be authorized by statute, including the following types of appeals:

(a) Appeals of exemption denials arising under RCW 35.21.755 (public corporations).

(b) Appeals of decisions or disputes pursuant to RCW 84.26.130 (historic property).

(c) Forest land determinations pursuant to RCW 84.33.116, 84.33.118, 84.33.120, 84.33.130, and 84.33.140.

(d) Current use determinations pursuant to RCW 84.34.108 and, effective January 1, 1993, RCW 84.34.035.

(e) Appeals pursuant to RCW 84.36.385 (senior citizen exemption denials).

(f) Appeals pursuant to RCW 84.36.812 (cessation of exempt use).

((f)) (g) Determinations pursuant to RCW 84.38.040 (property tax deferrals).

((g)) (h) Determinations pursuant to RCW 84.40.085 (omitted property or value).

((h)) (i) Valuation appeals of taxpayers pursuant to RCW 84.48.010.

((i)) (j) Destroyed property appeals pursuant to RCW 84.70.010.

(2) Boards have jurisdiction to equalize property values in the assessor's approved revaluation area on their own initiative pursuant to RCW 84.48.010.

~~((3) Boards have jurisdiction to review manifest error determinations of assessors or county financial authorities pursuant to RCW 84.48.065.)~~

**AMENDATORY SECTION** (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

**WAC 458-14-025 Assessment roll corrections not requiring board action.** (1) Introduction. The board need not be involved in all determinations made by an assessor relative to property tax matters, but may become involved in instances when a taxpayer appeals from an assessor's determination.

(2) Statutorily required corrections to the assessment rolls shall be made by the assessor as necessary and shall not require any board action. Such corrections include:

(a) Change of tax status due to a sale to or by a public corporation;

(b) The removal, addition, or change of status of a senior citizens/disabled exemption;

(c) The removal, addition, or change of status of a current use assessment;

(d) The removal, addition, or change of status of forest land classification or designation;

(e) The reduction of property value with respect to destroyed property;

(f) The removal, addition, or change of status of a special valuation assessment (chapter 84.26 RCW);

(g) The exemption with respect to physical improvements to a single family dwelling (RCW 84.36.400);

(h) The change of status of property determined to be exempt by the department;

(i) The change of status of property owned by a public corporation, commission or authority, based on use (RCW 35.21.755); and

(j) The cancellation or correction of assessment rolls which assessments are manifestly erroneous (RCW 84.48.065).

(3) Notice of any of the above changes, except for subsection (2)(h) of this section, shall be personally served upon the taxpayer, or mailed to the taxpayer by the assessor, and shall notify the taxpayer of the right to appeal the change to the board and shall notify the taxpayer of the time period in which to file his or her petition.

**AMENDATORY SECTION** (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

**WAC 458-14-127 Reconvened boards—Authority.**

(1) Boards of equalization may reconvene on their own authority to hear requests or appeals concerning the current assessment year ~~((until))~~ when the request or appeal is filed with the board by April 30 of the year immediately following the board's regularly convened session ((and for prior assessment years in accordance with (e) of this subsection, when)) and at least one of the following conditions is met:

(a) A taxpayer requests the board reconvene and submits to the clerk of the board a sworn affidavit stating that notice of change of value for the assessment year was not received by the taxpayer at least fifteen calendar days prior to the deadline for filing the petition, and can show proof that the value was actually changed.

(b) An assessor submits an affidavit to the clerk of the board stating that the assessor was unaware of facts which were discoverable at the time of appraisal and that such lack of facts caused the valuation of property to be materially affected. In the affidavit, the assessor shall state the facts which affected the value and also state both the incorrect value and the true and fair market value of the property and shall mail a copy of the affidavit to the taxpayer. If the board decides to reconvene to consider the valuation, it shall notify both the taxpayer and assessor of its decision in writing.

~~(c) ((A valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made within thirty days after receipt by the taxpayer of the order providing for the adjustment.~~

~~((d))~~ A bona fide purchaser or contract buyer of record has acquired an interest in real property subsequent to the first day of July of the assessment year and the sale price was less than ninety percent of the assessed value.

(2) ((Boards of equalization may reconvene on their own authority to hear requests to correct errors as authorized by RCW 84.48.065.)) Boards may reconvene on their own authority to adjust values for assessment years subsequent to the assessment year under appeal when a valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made

within thirty days after mailing of the order providing for the adjustment.

(3) Upon request of either the taxpayer or the assessor, boards may reconvene on their own authority to hear appeals with respect to property or value which was omitted from the assessment rolls. No request shall be accepted for any period more than three years preceding the year in which the omission is discovered.

(4) Requests for reconvening boards concerning prior year's assessments or for an extension of the annual regularly convened session to enable the board to complete its annual equalization duties shall be submitted to the clerk of the board who shall submit such request to the department for determination.

~~((4))~~ (5) The department may require any board to reconvene at any time for the purpose of performing or completing any duty or taking any action the board might lawfully have performed or taken at any of its previous meetings, or for any other purpose allowed by law.

~~((5))~~ (6) The department shall reconvene a board upon request of a taxpayer when the taxpayer makes a prima facie showing of actual or constructive fraud on the part of taxing officials. The department shall reconvene a board upon request of an assessor when the assessor makes a prima facie showing of actual or constructive fraud on the part of a taxpayer.

~~((6))~~ (7) All reconvening requests shall:

(a) Specify the assessment year(s) which is the subject of the request; and

(b) State the specific grounds upon which the request is based; and

(c) If the taxpayer is the party requesting the reconvening, state that he or she is the owner or duly authorized agent, personal representative or guardian, of the property or is a lessee responsible for the payment of the property taxes.

~~((7))~~ (8) No board shall reconvene later than three years after the adjournment of its regularly convened session.

**AMENDATORY SECTION** (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

**WAC 458-14-170 Appeals to the state board of tax appeals.** (1) Pursuant to RCW 84.08.130, any taxpayer, taxing unit, or assessor feeling aggrieved by the action of a board may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the board has served or mailed its decision. The appeal is deemed timely filed with the board of tax appeals if postmarked on or before the thirtieth day after the board of equalization has served or mailed its decision.

(2) The notice of appeal shall specify the actions of the board which the appellant is appealing, and shall be in such form as is required by the board of tax appeals (see WAC 456-10-310 and 456-09-310).

(3) The board appealed from shall file with the board of tax appeals a true and correct copy of its decision in such action and all evidence taken in connection therewith.

NEW SECTION

**WAC 458-14-026 Assessment roll corrections agreed to by taxpayer.** (1) The assessor shall make a correction to the assessment roll for the current assessment year when the correction involves an error in the determination of the valuation of property and the following conditions are met:

- (a) The assessment roll has previously been certified in accordance with RCW 84.40.320;
- (b) The taxpayer has timely filed a completed petition with the board for the current assessment year;
- (c) The board has not yet held a hearing on the merits of the taxpayer's petition; and

(d) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property in which agreement the parties set forth the valuation information which was used to establish such true and fair value. The true and fair value shall be the value as of January 1 of the year in which the property was last revalued by the assessor according to a revaluation cycle approved by the department. For example, if the county is on a multiyear revaluation cycle, and the taxpayer's property was last revalued in 1990, any agreement between the taxpayer and the assessor based on an appeal by the taxpayer in 1992, must use the true and fair value of the taxpayer's property in 1990 as the basis of the agreement. The value thus agreed to will, in this example, only apply to the 1992 assessment year (the assessment year for which the taxpayer timely filed his or her appeal) and thereafter until the taxpayer's property is again revalued in accordance with an approved revaluation cycle.

(2) The assessor shall immediately notify the board of any corrections to the assessment roll made in accordance with subsection (1) of this section and the taxpayer's petition shall be deemed withdrawn as of the date of notification to the board.

NEW SECTION

**WAC 458-14-171 Direct appeals to board of tax appeals.** (1) In an appeal involving complex issues or requiring expertise beyond the board's proficiency, a taxpayer, prior to the hearing before the board, may file a request with the board for a direct appeal to the state board of tax appeals without first having been heard by the board. The taxpayer and assessor (or the assessor's authorized designee) must jointly sign this request. Without holding a public hearing on the request, the board, by simple majority vote, shall approve or deny the request within fifteen calendar days of its receipt.

(2) If the board denies the request, the board shall notify all parties to the appeal, in writing, of the denial, and process the taxpayer's appeal as though no request had been made. The board need not provide reasons for its denial. If the board fails to act timely on the request, the taxpayer may petition the board to schedule a hearing on the taxpayer's appeal. Within thirty days of receipt of the taxpayer's petition, the board will schedule a future date for the taxpayer's appeal to be heard.

(3) If the board approves the request, the board shall notify all parties to the appeal, in writing, of the approval, and shall forward the taxpayer's appeal to the state board of tax appeals together with the request for direct appeal and

the signed approval of the board. The direct appeal will not be filed with the county auditor.

(4) If the state board of tax appeals rejects the request, it must do so within thirty calendar days of receipt of the request and shall at the same time notify all parties and the board of the reason or reasons for the rejection. In such cases, the board shall process the taxpayer's appeal as though no request had been made.

**WSR 93-05-016  
PROPOSED RULES  
DEPARTMENT OF REVENUE**

[Filed February 9, 1993, 1:14 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-12-010 Definition—Property—Real and 458-12-342 New construction—Assessment; and repealing WAC 458-12-240 Listing of property—Nonprofit organizations—Taxable interests in real property owned or used by nonprofit organizations.

Purpose: To clarify the definition of real property, particularly with respect to fixtures; and also to clarify and update the new construction rule. WAC 458-12-240 is to be repealed; it has been superseded by chapter 458-16 WAC.

Statutory Authority for Adoption: RCW 84.41.090 and 84.08.010.

Statute Being Implemented: RCW 84.04.090 and 36.21.070-[36.21.]080.

Summary: These rules are being amended for purposes of clarification and to comply with statutory changes.

Reasons Supporting Proposal: The treatment of fixtures in connection with the assessment of new construction clarified.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments to these rules will clarify and update the proper treatment of real property, including fixtures, relative to assessment of new construction. The repeal of WAC 458-12-240 is necessary because that rule is no longer correct and has been superseded by the rules in chapter 458-16 WAC.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): WAC 458-12-010 the changes to this rule do not impose any performance requirement on taxpayers. Therefore, this rule has no identifiable economic impact; WAC 458-12-342 the rule does not apply to any small business.

Therefore, there is no identifiable economic impact; and WAC 458-12-240 the rule does not impose any new or existing performance requirement on any business.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on March 26, 1993, at 9:30 a.m.

Submit Written Comments to: Jim Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, FAX (206) 586-7603, by March 26, 1993.

Date of Intended Adoption: April 2, 1993.

February 9, 1993  
William N. Rice  
Assistant Director

## REPEALER

The following section of the Washington Administrative Code are hereby repealed:

WAC 458-12-240 Listing of property—Nonprofit organizations—Taxable interests in real property owned or used by nonprofit organizations

## AMENDATORY SECTION (Amending Order PT 69-1, filed 4/14/69)

**WAC 458-12-010 Definition—Property—Real.** The term "real property" is defined in RCW 84.04.090; this definition should be consulted as a matter of course in all ~~((doubtful))~~ cases where the meaning of "real property" is in doubt. As there defined, "real property" includes but is not limited to the following:

- (1) All land, whether platted or unplatted.
- (2) All buildings, structures or permanent improvements built upon or attached to privately-owned land.
- (3) ~~((Machinery, equipment or))~~ Any fixture((s)) permanently affixed to and intended to be annexed to land or ~~((to))~~ permanently affixed to and intended to be a component of a building, structure, or improvement on land, including machinery and equipment which become fixtures. Intent is to be gathered from all the surrounding circumstances at the time of annexation or installation of the item, including consideration of the nature of the item affixed, the manner of annexation and the purpose for which the annexation is made and is not to be gathered exclusively from the statements of the annexor, installer, or owner as to his or her actual state of mind.

(a) Such items shall be considered as permanently affixed when they are owned by the owner of the real property and:

- (i) They are securely attached to the real property; or
- (ii) Although not so attached, the item appears to be permanently situated in one location on real property and is adapted to use in the place it is located((;)). For example a heavy piece of machinery or equipment set upon a foundation without being bolted thereto could be considered as affixed.

(b) Such items shall not be considered as affixed when they are owned separately from the real property unless ~~((the))~~ an agreement specifically provides that such items are to be considered as part of the real property and are to be

left with the real property when the occupant vacates the premises.

(c) Whenever the ~~((taxable))~~ property taxable status of engines, machinery, equipment ~~((and))~~ or fixtures is questioned by the assessor, the taxpayer may be required to list such items in the manner provided by chapter 84.40 RCW and WAC 458-12-080. The assessor shall make the determination of whether such property is real, and shall amend the taxpayer's statement as provided by WAC 458-12-080(2).

~~((The foregoing definitions will not answer the question whether an article is a fixture in all cases. In such cases the numerous decisions of the Washington supreme court digested in 6 Wash. Digest Ann., "Fixtures" will have to be consulted.))~~

(d) The explanations relating to fixtures under subsection (3) of this section are for purposes of clarification and may not answer the question as to whether an item is a fixture in all cases. In the event these explanations do not clearly indicate whether the item is a fixture, the numerous decisions of the Washington appellate courts regarding fixtures should be consulted.

(4) Privately-owned easements and easement-like privileges, irrespective of whether the servient estate is public or privately-owned land. However, easements of public service corporations other than railroads are personal property by reason of RCW 84.20.010.

(5) Leases of real property and leasehold interests therein having a term coextensive with the life of the tenant.

(6) Title to minerals in place which belongs to someone other than the surface owner. Such a title to minerals in place is ~~((often called))~~ a "mineral right((s))" but must be distinguished from mineral leases and permits, which do not give title to minerals in place and which are intangible personal property. Mineral rights, as defined herein, are realty regardless of whether they were created by grant or reservation.

(7) Standing timber growing on land which belongs to the same person as the timber.

(8) Water rights, whether riparian, appropriative, or in the nature of an easement.

(9) Buildings and similar permanent improvements erected or made by a tenant on land which he does not own, and title to which is not reserved in the tenant by the lease or some other landlord-tenant agreement. Such buildings and improvements become the landlord's real property.

(10) All life estates in real property, whether created by grant or a reservation. A person has such a life estate when he has a right to the possession, occupation and use of a piece of realty, and to the crops, rents and profits produced by it, during his or her natural life.

(11) All possessory rights in realty which are coextensive with the natural life of their holder. Such possessory rights are analogous to leases, and since leases for life are realty, possessory rights for life are also realty.

## AMENDATORY SECTION (Amending Order PT 83-6 filed 10/20/83)

### **WAC 458-12-342 New construction—Assessment.**

(1) New construction covered under the provisions of RCW ~~((36.21.040 through))~~ 36.21.070 and 36.21.080 shall be assessed at its true and fair value as of July 31st each year

regardless of its percentage of completion. New construction as used in this section refers only to real property, as defined in RCW 84.04.090 and further defined in WAC 458-12-010, for which a building permit was issued or should have been issued pursuant to chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits.

(2) The assessor is authorized to place new construction on the assessment rolls up to August 31st each year and shall notify the owner of the value of any new construction that has been assessed. The notice shall advise the owner that he has thirty days to appeal the valuation to the county board of equalization as provided ((for)) in WAC ((458-14-420)) 458-14-056.

**WSR 93-05-019**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed February 10, 1993, 2:11 p.m.]

The Department of Social and Health Services is withdrawing WAC 388-86-100 filed as a proposal with the Office of the Code Reviser under WSR 92-220-110. This project was filed as continuances under WSR 93-01-024 and 93-02-034.

David L. Henry  
 for Rosemary Carr, Director  
 Administrative Services

**WSR 93-05-022**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 10, 1993, 2:55 p.m.]

This is to officially request withdrawal of proposed rule making CR-102 filed in your office on December 22, 1992, WSR 93-01-131.

It is not our intent to refile this proposal or reschedule hearings.

There was no consensus agreement or support on the proposal as presented which was initiated through industry petition, nor was there any proposal to amend the proposal under consideration. If, after consultation with affected parties, a redraft or new proposal is drafted and submitted to the director, a new rule proposal will be filed at a later date.

J. Allen Stine  
 Assistant Director

**WSR 93-05-028**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed February 12, 1993, 2:59 p.m.]

Original Notice.

Title of Rule: Chapter 204-44 WAC, Standards for load fastening devices.

Purpose: WAC 204-44-040 Pole trailer securement.  
 Statutory Authority for Adoption: RCW 46.37.005.

Statute Being Implemented: RCW 46.37.490.

Summary: Identify specific requirement for securing log/pole trailer to hauling unit.

Reasons Supporting Proposal: General motoring public safety from falling or shifting trailers carried on log trucks.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. Leichner, Olympia, (206) 753-6554.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New configurations of log trucks and trailers require different type of loading and hauling log/pole trailers. Purpose is to clarify how trailers are to be secured while being hauled on log trucks. Add new section to chapter 204-44 WAC.

Proposal Changes the Following Existing Rules: WAC 204-44-040 Pole trailer securement, any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16" grade seven or better chain and one tensioning or locking device in such a manner as to prevent it from falling or shifting while in transit. The chain shall be securely fastened at the forward point on the reach tunnel to a point on the truck-tractor frame.

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

Hearing Location: Washington State Patrol, Research and Development Section, Room G-130, General Administration Building, P.O. Box 42607, Olympia, WA 98504-2607, on April 23, 1993, at 2:00 p.m.

Submit Written Comments to: Washington State Patrol, Research and Development Section, Room G-130, General Administration Building, P.O. Box 42607, Olympia, WA 98504-2607, by April 23, 1993.

Date of Intended Adoption: April 30, 1993.

February 4, 1993  
 Roger W. Bruett  
 Chief

NEW SECTION

**WAC 204-44-040 Securing pole trailers while in transit.** Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16" grade seven or better chain and one tensioning or locking device in such a manner as to prevent it from falling or shifting while in transit. The chain shall be securely fastened at the forward point on the reach tunnel to a point on the truck-tractor frame.

**WSR 93-05-029**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed February 12, 1993, 3:02 p.m.]

Original Notice.

Title of Rule: Chapter 204-84 WAC, Standards for sirens and WAC 204-10-120 Sirens.

Purpose: Repealing chapter 204-84 WAC, Standards for sirens; and amending WAC 204-10-120 Sirens.

Statutory Authority for Adoption: RCW 46.37.005.

Statute Being Implemented: RCW 46.37.194.

Summary: Chapter 204-84 WAC, Standards for sirens, is obsolete. Amending WAC 204-10-120 to adopt the Society of Automotive Engineers (SAE) Standard J1849 will ensure the requirements are continually up-to-date.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. Brackins, Olympia, (206) 753-2754.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending WAC 204-10-120 to adopt the SAE J1849 for Emergency Vehicle Sirens will ensure the requirements for these devices are current standards as they are developed. Must repeal chapter 204-84 WAC, Standards for sirens, as it is outdated.

Proposal Changes the Following Existing Rules: Will repeal outdated WAC and bring the amended chapter 204-10 WAC up-to-date with current SAE standards.

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

Hearing Location: Washington State Patrol, Research and Development Section, Room G-130, General Administration Building, P.O. Box 42607, Olympia, WA 98504-2607, on April 23, 1993, at 1:30 p.m.

Submit Written Comments to: Washington State Patrol, Research and Development Section, Room G-130, General Administration Building, P.O. Box 42607, Olympia, WA 98504-2607, by April 23, 1993.

Date of Intended Adoption: April 30, 1993.

February 4, 1993

Roger W. Bruett

Chief

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-84-010 Promulgation.
- WAC 204-84-020 Scope.
- WAC 204-84-030 Definitions.
- WAC 204-84-040 Identification markings.
- WAC 204-84-050 Instrumentation for testing.
- WAC 204-84-060 Testing sites.
- WAC 204-84-070 Microphone and personnel stations.
- WAC 204-84-080 Siren test procedures.
- WAC 204-84-090 Siren requirements.
- WAC 204-84-100 Mounting requirements.

**AMENDATORY SECTION** (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-10-120 Sirens.** (~~Standards for sirens shall be as set forth in chapter 204-84 WAC.~~) Society of Automotive Engineers (SAE) J1849 is hereby adopted by reference as the standard for emergency vehicle sirens.

**WSR 93-05-031  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed February 16, 1993, 10:47 a.m.]

Original Notice.

Title of Rule: Chapter 388-160 WAC, Minimum licensing requirements for overnight youth shelters.

Purpose: To provide minimum licensing standards for a new category of child care, overnight youth shelters designed to provide shelter for street kids. Current licensing standards for other types of facilities are not appropriate or are excessive for shelters providing overnight care.

Statutory Authority for Adoption: Chapter 74.15 RCW.

Statute Being Implemented: Chapter 74.15 RCW.

Summary: These rules will permit the adoption of minimum licensing requirements which address the needs of this program more closely than group home requirements.

Reasons Supporting Proposal: Overnight youth shelters are subject to chapter 74.15 RCW, but these are not currently licensing standards appropriate for this type of program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Division of Children, Youth and Family Services, 753-0204.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: Broadview Public Library, 130th Street and 12755 Greenwood Avenue North, Seattle, WA 98133, on March 24, 1993, at 1:15 p.m.

If you need a sign language interpreter or a language translator at this hearing, please notify the office of issuances.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by March 22, 1993.

Date of Intended Adoption: March 25, 1993.

February 16, 1993

David L. Henry

for Rosemary Carr

Acting Director

Administrative Services



**Chapter 388-160 WAC**  
**MINIMUM LICENSING REQUIREMENTS FOR**  
**OVERNIGHT YOUTH SHELTERS**

NEW SECTION

**WAC 388-160-010 Authority.** The following minimum licensing requirements for overnight youth shelter rules are adopted under chapter 74.15 RCW, Agencies for Care of Children, Expectant Mothers, Developmentally Disabled.

NEW SECTION

**WAC 388-160-020 Definitions.** (1) Terms defined under this chapter shall have the same meanings as definitions described under chapter 74.15 RCW, except as otherwise provided herein.

(2) "Capacity" means the maximum number of persons under care at a given moment in time.

(3) "Child" and "juvenile" means any person under the chronological age of eighteen years of age.

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

(5) "Full-time care provider" or "full-time care facility" means a foster family home, group care facility, maternity home, crisis residential center, and juvenile detention facility for a child or expectant mothers.

(6) "Overnight youth shelter" means a licensed facility operated by a nonprofit agency providing overnight shelter to a homeless or runaway youth because of family problems or dysfunctions.

(7) "Youth" means a child or young adult through twenty years of age.

NEW SECTION

**WAC 388-160-030 Exceptions to rules.** (1) In individual cases the department, at its discretion for good cause, may waive specific requirements and may approve alternative methods of achieving the intent of specific requirements.

(2) The department may neither waive specific requirements nor approve alternate methods of achieving the content of specific requirements if it jeopardizes the safety or welfare of the person in care, as described under subsection (1) of this section.

(3) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license. The licensee may apply anew for the waiver when reapplying for a license.

(4) The department may limit or restrict a license issued to a licensee or applicant in conjunction with a waiver.

(5) The licensee or applicant applying for a waiver shall do so in writing and the licensee shall maintain a copy of the waiver.

(6) The department's denial of a licensee's or applicant's waiver request shall not be subject to appeal under chapter 34.05 RCW.

NEW SECTION

**WAC 388-160-040 Effect of local ordinances.** (1) The department shall issue or deny a license on the basis of an applicant's compliance with the department's minimum licensing requirements.

(2) The department shall not enforce local ordinances, such as zoning regulations and local building codes.

NEW SECTION

**WAC 388-160-050 Fire standards.** Overnight youth shelters shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for fire prevention and the protection of life and property against fire as required under RCW 74.15.050 and WAC 212-12-001.

NEW SECTION

**WAC 388-160-060 Certification of exempt agency.** An agency legally exempt from licensing may not be licensed. However, at the agency's request, the department may certify an agency as meeting licensing and other pertinent requirements to enable an agency to be eligible for the receipt of funds or for other legitimate purposes if the department's investigation finds the agency in compliance with the licensing requirements. In such cases, unless otherwise clearly evident from the text, the department's requirements and procedures for an agency's licensing apply equally to certification.

NEW SECTION

**WAC 388-160-070 Application or reapplication for license or certification—Investigation.** (1) A person or organization applying for a license or for certification under this chapter shall:

(a) Submit the application on forms prescribed by the department;

(b) Comply with department procedures;

(c) Initiate the application in the name of the person or legal entity responsible for the agency's operation; and

(d) Include with the application:

(i) Employment and educational history of the person charged with the active management of the agency;

(ii) Completed forms enabling the department to:

(A) Perform a criminal history check;

(B) Check the department's master files for each staff or volunteer of the agency having unmonitored access to the child, expectant mother, or developmentally disabled person; and

(C) Share this information with the applicant or licensee.

(2) The department may:

(a) Require additional information from the applicant, licensee, their staff, and persons having access to a child under care as the department deems necessary including, but not limited to:

(i) Sexual deviancy evaluations;

(ii) Substance and alcohol abuse evaluations;

(iii) Psychiatric evaluations;

(iv) Psychological evaluations; and

(v) Medical evaluations.



(b) Perform corollary investigations of the applicant, licensee, and their staff, and as the department deems necessary, including accessing of criminal histories and law enforcement files.

#### NEW SECTION

**WAC 388-160-080 Limitations on licenses and dual licensure.** The department shall not issue a license to an applicant for both an overnight youth shelter and another category of care which the department licenses or is licensed by another department. The department may authorize an exception only if it is clearly evident that care of one category of client does not interfere with the safety and quality of care provided to other client categories.

#### NEW SECTION

**WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises.** (1) The applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or applicant shall demonstrate that the licensee or applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, applicant, staff, and other person on the premises shall not have been:

(a) Convicted of, found a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; or

(b) Found to:

(i) Be a perpetrator of substantiated or founded child abuse; or

(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to a child in care meet the qualifications under subsections (1), (2), and (3) of this section. The department may require the licensee or person on the premises to provide additional information including, but not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

#### NEW SECTION

**WAC 388-160-100 Age of licensee.** An applicant for an overnight youth shelter license under this chapter shall be twenty-one or more years of age.

#### NEW SECTION

**WAC 388-160-110 Posting of license.** All licensees shall post the license issued under this chapter at the overnight youth shelter in a place accessible and conspicuous to the public.

#### NEW SECTION

**WAC 388-160-120 Licensure—Denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. The department shall consider such persons separately and jointly as applicants or licensees and if any one be deemed disqualified by the department under chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license. The department shall deny, suspend, revoke, or not renew a license for the following reasons:

(a) The department shall disqualify any person engaging in illegal use of drugs or excessive use of alcohol;

(b) The department shall disqualify any person who has been convicted of an offense listed under chapter 388-330 WAC;

(c) The department shall disqualify any person convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, when:

(i) The person's conviction is reasonably related to the person's competency to exercise responsibilities for ownership, operation, or administration of an agency; and

(ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.

(d) The department shall not grant a license to an applicant who, in this state or elsewhere:

(i) Has been denied a license to operate an agency for the care of a child, an expectant mother, or a developmentally disabled adult; or

(ii) Had a license to operate such an agency suspended or revoked.

(2) An applicant of an overnight youth shelter may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision and license the applicant as described under subdivision (1)(d) of this section.

(3) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew a license for the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation, including:

(i) Making materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's or provider's suitability.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care;

(d) Repeatedly:

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing a person unqualified by training, experience, or temperament to care for, or be in contact with, the person under care.

(e) Misappropriation of the property of a person under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to a person under care;

(h) Refusal to admit authorized representatives of the department, department of health, or state fire marshal to inspect the premises;

(i) Refusal to permit:

(A) Authorized representatives of the department and the department of health to have access to the records necessary for the operation of the agency; or

(B) The department representatives to interview agency staff and clients.

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and

(k) Refusal or failure to supply necessary additional department-requested information.

(4) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the agency is licensed; or

(b) Children of ages different from the ages for which the agency is licensed.

(5) The department shall deny, suspend, or revoke a licensee's license when the applicant, licensee, or person on the premises is a perpetrator of child abuse or has been convicted of a crime as listed under WAC 388-330-030(1). The department may grant a licensee or provider a waiver if it is demonstrated by clear, cogent, and convincing evidence that such person is rehabilitated and is able to comply with licensing requirements. In making this determination, the department shall consider:

(a) The seriousness and circumstances of the person's illegal act;

(b) The number of crimes of which the person was convicted;

(c) The amount of time passed since the person committed the illegal act;

(d) The age of the person at the time of convictions;

(e) Whether the person has entered and successfully completed all appropriate rehabilitative services, including those services ordered by a court;

(f) The behavior of the person since the illegal act was committed;

(g) Recommendations of persons closely associated with the person;

(h) The duties the person would perform at the agency, and the vulnerability of the persons under care; and

(i) Other evidence of rehabilitation.

If the department licenses or approves a person under this section, the department may place limitations or conditions on the person in the performance of the person's duties at the agency.

(6) The department's notice of a denial, revocation, suspension, or modification of a license shall be governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.

(a) A provider contesting a department licensing decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the department decision.

(b) The proceeding shall be governed by the Administrative Procedure Act chapter 34.05 RCW, RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

#### NEW SECTION

**WAC 388-160-130 Licensed capacity.** (1) The number of persons for whom the department will license an agency is dependent upon the evaluation of:

(a) The physical accommodations of the agency;

(b) The numbers and skills of the licensee, staff, family members and volunteers; and

(c) The ages and characteristics of the persons to be served.

(2) The department shall not license an agency for the care of more persons than permitted by the rules regarding the category of care for which the license is sought.

(3) The department may license an agency for the care of fewer persons than normally permitted by the rules based on the evaluation of items listed under subsection (1) of this section.

#### NEW SECTION

**WAC 388-160-140 Discrimination prohibited.** The licensee shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination in employment practices and client services as described under chapter 49.60 RCW.

#### NEW SECTION

**WAC 388-160-150 Religious activities.** The overnight youth shelter licensee shall:

(1) Respect the rights of persons in care to observe the tenets of the person's faith and shall facilitate those rights consistent with state and federal laws;

(2) Not punish a person in care for exercising these rights;

(3) Submit to the department a written description of any religious policies and practices.

#### NEW SECTION

**WAC 388-160-160 Discipline.** (1) The overnight youth shelter licensee shall state disciplinary practices in writing. Discipline shall be a responsibility of the licensee or staff, and shall not be prescribed or administered by persons under care. Discipline shall be based on an understanding of the person's needs and stage of development. A person's discipline shall be designed to help the person develop inner control, acceptable behavior, and respect for the rights of others.

(2) The licensee shall ensure a person's discipline is fair, reasonable, consistent, and related to the person's behavior. A licensee shall not administer cruel and unusual discipline, discipline hazardous to health, and frightening or humiliating discipline.

#### NEW SECTION

**WAC 388-160-170 Corporal punishment.** (1) Corporal punishment is prohibited.

(2) Prohibited corporal punishment shall not include the use of such amounts of physical restraint as may be reasonable and necessary to:

- (a) Protect a person on the premises from physical injury;
- (b) Obtain possession of a weapon or other dangerous object; and
- (c) Protect property from serious damage.

(3) The licensee of an overnight youth shelter shall not use mechanical restraints including, but not limited to:

- (a) Handcuffs;
  - (b) Belt restraints; and
  - (c) Locked time-out rooms.
- (4) The licensee shall not use physical restraints which could be injurious including, but not limited to:
- (a) Large adult sitting on or straddling a small child;
  - (b) Sleeper holds;
  - (c) Arm twisting;
  - (d) Hair holds; and
  - (e) Throwing a child or youth against a wall, furniture, or other large immobile object.

(5) Staff employed in a facility where it may be necessary to restrain a child shall be trained in the use of appropriate restraining techniques.

#### NEW SECTION

**WAC 388-160-180 Abuse, neglect, or exploitation.** An overnight youth shelter licensee shall protect persons, while in the licensee's care, from child abuse or neglect as defined under RCW 26.44.020(12).

#### NEW SECTION

**WAC 388-160-190 Site and telephone.** An overnight youth shelter licensee shall locate the shelter on a well-drained site free from hazardous conditions and accessible to other facilities necessary to carry out its program. The

licensee shall ensure the shelter has one or more telephones on the premises accessible for emergency use at all times.

#### NEW SECTION

**WAC 388-160-200 Equipment, safety, and maintenance.** (1) An overnight youth shelter licensee shall:

(a) Maintain the physical plant, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(b) Provide handrails on stairs as determined necessary by the department;

(c) Have available one or more emergency light sources, such as a flashlight, in operational condition; and

(d) Provide toilet rooms and other rooms subject to moisture with washable, moisture impervious floors.

(2) Shelter staff members shall have a means to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by youth should an emergency need arise.

#### NEW SECTION

**WAC 388-160-210 Firearms and other weapons.** An overnight youth shelter licensee shall ensure no firearms or other weapons are on the premises except those confiscated and secured from youth upon admission and these shall be locked up.

#### NEW SECTION

**WAC 388-160-220 Prohibited substances.** (1) During operating hours when youth are in care, the overnight shelter licensee, staff, and volunteers on shelter premises or caring for youth off-site shall not be under the influence of, consume, or possess an:

(a) Alcoholic beverage; or

(b) Illegal drug.

(2) The overnight shelter licensee shall prohibit smoking in:

(a) A transport vehicle when shelter staff are transporting youth in care; and

(b) The shelter when youth are in care; except, the licensee may permit a person to smoke only in a designated smoking room which is ventilated to the outside in such a manner that passive tobacco smoke cannot contaminate the indoor shelter air.

#### NEW SECTION

**WAC 388-160-230 Storage.** An overnight youth shelter provider shall ensure a shelter provides:

(1) Suitable space as needed for the storage of:

(a) Clothing and personal possessions of youth in care;

(b) Records and files;

(c) Cots;

(d) Mats and bedding; and

(e) Cleaning supplies and other materials.

(2) A secure area for cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels, which is inaccessible to youth. The provider shall ensure all containers filled from a stock supply bear a label identifying the product name and concentration.

NEW SECTION**WAC 388-160-240 Bedrooms and sleeping areas.**

An overnight youth shelter licensee shall ensure the shelter:

(1) Provides sleeping areas not less than fifty square feet per occupant of unobstructed floor area with ceiling height of not less than seven feet, six inches;

(2) Not use hallways and kitchens as sleeping rooms;

(3) Maintains a space not less than thirty inches between sleeping youths;

(4) Provides sleeping areas separated by a visual barrier five or more feet high for each sex of youth in care; and

(5) In facilities caring for youth sixteen through twenty years of age, separates youths under eighteen years of age from youths eighteen through twenty years of age by a supervised open space or a physical barrier to prevent contact.

NEW SECTION

**WAC 388-160-250 Kitchen facilities.** An overnight youth shelter licensee shall ensure the shelter providing food service:

(1) Provides for the proper storage, preparation, and service of food to meet the needs of the program;

(2) Has facilities and implements practices as required under chapter 246-215 WAC, rules and regulations of the state board of health, which governs food service sanitation.

NEW SECTION

**WAC 388-160-260 Housekeeping sink.** An overnight youth shelter shall have and use:

(1) A method of drawing clean mop water; and

(2) An appropriate method of waste water disposal.

NEW SECTION

**WAC 388-160-270 Laundry.** An overnight youth shelter shall:

(1) Provide for separate storage of soiled linen and clean linen;

(2) Have access to laundry washing and drying facilities, which may include using on-premises or off-site equipment;

(3) Locate laundry equipment, if on the premises, in an area separate from the kitchen; and

(4) Sanitize laundry using a hot water temperature of at least one hundred thirty degrees Fahrenheit or an effective chemical method, or have the laundry done by a commercial service.

NEW SECTION

**WAC 388-160-280 Toilets, handwashing sinks, and bathing facilities.** An overnight youth shelter shall provide:

(1) Two or more indoor flush-type toilets, each with one nearby handwashing sink with hot and cold running water;

(2) Toilets and handwashing sinks in a ratio of one toilet and sink for each eight persons on the premises plus the major fraction thereof, allowing four additional persons before requiring additional fixtures;

(3) Privacy for persons of the opposite sex at toilets, and bathing facilities, if provided;

(4) Hot and cold running water not exceeding one hundred twenty degrees Fahrenheit at handwashing sinks, and bathing facilities, if provided;

(5) A conveniently located grab bar or nonslip floor surfaces in bathing facilities, if provided;

(6) Urinals in lieu of toilets only if the urinals do not replace more than one-third of the total required toilets; and

(7) Soap and individual towels, disposable towels, or other approved single-use hand drying devices at handwashing sinks, and any bathing facilities if bathing facilities are provided.

NEW SECTION

**WAC 388-160-290 Lighting.** An overnight youth shelter shall provide and locate fixtures for the comfort and safety of the youth in care.

NEW SECTION

**WAC 388-160-300 Pest control.** An overnight youth shelter shall keep the premises free from rodents, flies, cockroaches, and other insects.

NEW SECTION

**WAC 388-160-310 Sewage and liquid wastes.** An overnight youth shelter shall discharge sewage and liquid wastes into:

(1) A public sewer system; or

(2) A local health authority or department approved independent sewage system.

NEW SECTION

**WAC 388-160-320 Water supply.** An overnight youth shelter shall provide:

(1) A potable water supply approved by the local health authority or department; and

(2) Disposable paper cups, individual drinking cups or glasses, or inclined-jet drinking fountains.

NEW SECTION

**WAC 388-160-340 Health and emergency policies and procedures.** An overnight youth shelter shall have:

(1) Current written health policies and procedures including, but not limited to, first aid, infection control, care of minor illnesses, and general health practices and actions to be taken in event of medical and other emergencies;

(2) These health policies and procedures readily available for staff orientation and for implementation; and

(3) Emergency phone numbers posted next to the phone.

NEW SECTION

**WAC 388-160-350 First aid.** An overnight youth shelter shall:

(1) Have one or more persons having completed a current basic Red Cross first-aid course or a department-approved first-aid course, and current training in cardiopulmonary resuscitation (CPR) present at all times youth are in care;

- (2) Maintain documentation of persons having completed the first aid and CPR training on the premises; and
- (3) Keep first-aid supplies readily available to shelter staff.

NEW SECTION

**WAC 388-160-360 Medication management.** An overnight youth shelter shall:

- (1) Secure any medication brought into the shelter by a youth so it is unavailable to other youth in care;
- (2) Supervise self-administration of a medication according to the prescription or manufacturer's label on the original medication container; and
- (3) Return a medication of a youth when the youth leaves the facility, or properly dispose of the medication if left behind by the youth.

NEW SECTION

**WAC 388-160-370 Staff health.** Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon overnight youth shelter employment or licensing unless medically contraindicated.

- (1) A person whose TB skin test is positive (ten millimeters or more induration) shall have a chest X-ray within ninety days following the skin test.
- (2) A person shall not require a routine periodic retesting or X-ray (biennial or otherwise) after the entry testing.
- (3) A person shall not require an entry test whose TB skin test has been documented as negative (less than ten millimeters) within the last two years, and such person shall not require a routine periodic retesting or biennial X-ray or otherwise.

NEW SECTION

**WAC 388-160-380 HIV/AIDS education and training.** An overnight youth shelter shall provide or arrange for appropriate education and training of employees on the prevention, transmission, and treatment of HIV and AIDS as prescribed by the department of health. Such education and training shall be consistent with the curriculum manual *KNOW-HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, published by the Washington state HIV/AIDS program, department of health.

NEW SECTION

**WAC 388-160-390 Nutrition.** An overnight youth shelter providing meals shall consider the age, cultural background, and nutritional requirements of youth served when preparing meals.

NEW SECTION

**WAC 388-160-400 Bedding.** An overnight youth shelter providing youth sleeping equipment and bedding shall maintain the equipment and bedding in good repair and in a clean and sanitary manner. The shelter shall accept the use

of sleeping and bedding equipment personally provided by youth in care.

NEW SECTION

**WAC 388-160-410 Overnight youth shelters—Purpose and limitations.** The purpose of the overnight youth shelter shall be to provide youth an emergency sleeping arrangement. The overnight youth shelter shall make every effort to refer a youth to appropriate services. The overnight youth shelter shall not accept a teen parent with child. The overnight youth shelter may be licensed to provide care for either:

- (1) Children from thirteen through seventeen years of age; or
- (2) Youths sixteen through twenty years of age.

NEW SECTION

**WAC 388-160-420 Governing body/citizens board for overnight youth shelters.** (1) Every overnight youth shelter shall have a governing body/citizens board which shall:

- (a) Be responsible for and have authority over the policies and operation of the shelter; or
- (b) Provide advice and counsel to the shelter on the policies and operation of the shelter.
- (2) An overnight youth shelter member shall not serve as a voting member of the governing body citizens board for that shelter.
- (3) Every governing body citizens board shall meet twice or more often a year.
- (4) The shelter facility shall keep on file a list of the current membership of the governing body citizens board.

NEW SECTION

**WAC 388-160-430 Intake.** (1) An overnight youth shelter shall provide an intake consisting of an initial assessment of entering youth and shall include, but not be limited to:

- (a) Suicide potential;
- (b) Substance abuse;
- (c) Mental illness;
- (d) Physical and medical needs, including medication;
- (e) Sexual acting out;
- (f) Sexual and physical abuse; and
- (g) Whether parents are aware of the youth's whereabouts.
- (2) If the youth returns to the overnight shelter, the shelter shall provide a second intake including:
  - (a) Family and living situation;
  - (b) Criminal involvement;
  - (c) Behavioral problems;
  - (d) School status;
  - (e) Adult to contact, if one is available;
  - (f) Immediate need for counseling;
  - (g) Capability for self-care; and
  - (h) Options for the near future.
- (3) The overnight youth shelter shall notify the department of social and health services (DSHS) or the police of an unaccompanied child under thirteen years of age who is requesting service.

NEW SECTION

**WAC 388-160-440 Groupings.** (1) The overnight youth shelter shall provide sleeping areas for males and females which are separated by partitions.

(2) In facilities caring for youths sixteen through twenty years of age, sleep areas for those sixteen and seventeen years of age shall be spatially separated from those eighteen through twenty years of age to the extent permitted by the configurations of the facility.

NEW SECTION

**WAC 388-160-450 Length of stay.** An overnight youth shelter shall allow a youth's length of stay to be not more than twenty days within a six-month period unless a specific individual approval from a division of children and family services (DCFS) case worker has been given.

NEW SECTION

**WAC 388-160-460 Staffing.** (1) An overnight youth shelter shall adhere to the following staff/child ratios:

(a) A shelter licensed for youths thirteen through seventeen years of age exclusively shall have a staff/child ratio of 1:8;

(b) A shelter caring for youths sixteen through twenty years of age on the premises shall have a staff/child ratio of 1:6.

(2) All shelters shall have two or more adult staff on the premises at all times (at least one of whom is a fully trained lead counselor) when children are present.

(3) All shelters shall have two or more awake staff present while youths are asleep.

(4) If fewer than six youths are in care, there may be only one awake staff on duty provided that the staff is a fully trained lead counselor.

NEW SECTION

**WAC 388-160-470 Supervision of youth.** An overnight youth shelter staff person shall be within visual and auditory range of youths at all times when the youths are within the shelter.

NEW SECTION

**WAC 388-160-480 Child care workers—Qualifications.** (1) All overnight youth shelter child care staff and volunteers shall:

(a) Be twenty-one or more years of age;

(b) Have completed a criminal history check;

(c) Have completed a TB test, as required under WAC 388-73-142; and

(d) Have complete AIDs training as required under WAC 388-73-143.

(2) Overnight youth shelter child care workers shall be of both sexes to reflect the population in care.

(3) One person with full training plus having one year's experience with high-risk adolescents shall be present at all times that youths are in care as described under section 500 (1) and (2) of this chapter.

NEW SECTION

**WAC 388-160-490 Program supervision.** (1) The department shall require every overnight youth shelter to have a program supervisor.

(a) The program supervisor shall have a:

(i) Master's degree in social work or a related field and one year's experience with high-risk adolescents; or

(ii) Bachelor's degree and three years' experience with high-risk adolescents.

(b) The program supervisor shall provide two hours of supervision to youth shelter child care staff or volunteers for each forty hours that staff work.

(2) A master's degree level person shall be on call at all times when the overnight youth shelter is open or when children are present. This person may be on staff or contracted.

NEW SECTION

**WAC 388-160-500 Training.** (1) All overnight youth shelter staff and volunteers shall receive training before providing care for youth. The overnight youth shelter shall ensure this training includes, but is not limited to:

(a) Job responsibilities;

(b) Agency administration;

(c) Supervision of youths;

(d) Behavior management;

(e) Fire safety procedures;

(f) AIDS training; and

(g) Cultural sensitivities.

(2) An overnight youth shelter shall also provide staff and volunteers in-service training to cover policies appropriate to each position, to include supervisory skills, adolescent development and problems, and meeting the needs of youths. The shelter's training shall include, but not be limited to sexual abuse, predatory behavior, substance abuse, depression, mental health, and teen suicide.

NEW SECTION

**WAC 388-160-510 Services.** (1) At a minimum, all overnight youth shelters shall offer the following services to all clients:

(a) Client intake including demographic information and emergency contacts (phone number), presenting problems (school status, medical problems, family situation, suicide evaluation, history of assaultive/predatory behavior, and drug/alcohol involvement);

(b) Individual crisis intervention;

(c) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services; and

(d) Resource information;

(2) An overnight youth shelter shall provide resource information as needed for appropriate educational, vocational, placement, housing, medical, substance abuse, mental health, other treatment agencies, and food program, or to DSHS office.

(3) If appropriate ancillary services are not provided by the licensed program, the overnight youth shelter licensee shall demonstrate working relationships with organizations providing services to targeted young people.

NEW SECTION

**WAC 388-160-520 Client records and information—Overnight youth shelters.** The overnight youth shelter shall maintain records and information concerning persons in care in such a manner as to preserve their confidentiality. The shelter shall maintain records giving the following information on each youth under care in the same shelter in which the youth is sheltered:

- (1) Identifying information, including:
  - (a) Name;
  - (b) Birth date;
  - (c) Date of admission;
  - (d) Ethnicity; and
  - (e) Other appropriate information.
- (2) Names, addresses, and telephone numbers, if any, of parents' or other persons' home or business to contact in case of emergency;
- (3) Dates and kinds of illnesses and accidents, medications and treatments prescribed, the time they are given, and by whom; and
- (4) Daily log of attendance, admission, referrals, exit, and important information.

NEW SECTION

**WAC 388-160-530 Personnel policies and records—Overnight youth shelters.** (1) Each overnight youth shelter employee and volunteer having unsupervised or regular access to the youth or child in care shall complete and submit to the licensee or director by the date of hire:

- (a) An employment application on a department-prescribed form, or its equivalent; and
- (b) A criminal history and background inquiry form.
  - (i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.
  - (ii) The department shall discuss the inquiry information with the licensee or director, when applicable.
- (2) The overnight youth shelter licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.
- (3) The overnight youth shelter licensee shall maintain a personnel recordkeeping system, having on file for the licensee, staff person, and volunteer:
  - (a) An employment application, including work and education history;
  - (b) Documentation of criminal history and background inquiry form submission;
  - (c) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;
  - (d) Documentation of HIV/AIDS education and training;
  - (e) A record of participation in staff development training;
  - (f) Documentation orientation program completion;
  - (g) Documentation of a valid food handler permit, when applicable;
  - (h) Documentation of current first aid and CPR training, when applicable; and
  - (i) Telephone number of "on-call" master degree level person with other emergency telephone numbers.

NEW SECTION

**WAC 388-160-540 Reporting of death, injury, illness, epidemic, or child abuse.** The overnight youth shelter licensee or staff shall report immediately:

- (1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent if contact information is known, licensor, and child's social worker, if any;
- (2) An instance when the licensee or staff has reason to suspect the occurrence of physical, sexual, or emotional child abuse, neglect, or child exploitation, by telephone, to child protective services (CPS) or local law enforcement as required under chapter 26.44 RCW; and
- (3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

NEW SECTION

**WAC 388-160-560 Reporting circumstantial changes.** An overnight youth shelter's license shall be valid only for the address and organization named on the license. The overnight youth shelter licensee shall promptly report to the licensor major changes in staff, program, or premises affecting the shelter classification, delivery of safe and appropriate services, or continued eligibility for licensure. The overnight youth shelter licensee shall include as a major change:

- (1) Shelter address, location, space, or phone number;
- (2) Maximum number, age ranges, and sex of children the licensee wishes to serve as compared to current license specifications;
- (3) Number or qualifications of the shelter's staffing pattern that may affect staff competencies to implement the specified program, including:
  - (a) Change in ownership, chief executive, director, or program supervisor; and
  - (b) The death, retirement, or incapacity of the licensee.
- (4) Name of licensed corporations, or name by which the overnight youth shelter is commonly known, or changes in the shelter's articles of incorporation and bylaws;
- (5) Occurrence of a fire, major structural change, or damage to the premises; and
- (6) Plans for major remodeling of the shelter, including planned use of space not previously department approved.

**WSR 93-05-039**  
**WITHDRAWAL OF PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 (by the Code Reviser's Office)  
 [Filed February 16, 1993, 4:15 p.m.]

WAC 139-05-240, proposed by the Criminal Justice Training Commission in WSR 92-16-070, appearing in issue 92-16 of the State Register, which was distributed on August 19, 1992, is withdrawn by the code reviser's office 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 93-05-040**  
**WITHDRAWAL OF PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
(by the Code Reviser's Office)  
[Filed February 16, 1993, 4:16 p.m.]

WAC 139-10-220, proposed by the Criminal Justice Training Commission in WSR 92-16-071, appearing in issue 92-16 of the State Register, which was distributed on August 19, 1992, is withdrawn by the code reviser's office 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 93-05-041**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
(by the Code Reviser's Office)  
[Filed February 16, 1993, 4:17 p.m.]

WAC 236-14-010, 236-14-015, 236-14-050, 236-14-100, 236-14-200, 236-14-300 and 236-14-900, proposed by the Department of General Administration in WSR 92-16-102, appearing in issue 92-16 of the State Register, which was distributed on August 19, 1992, is withdrawn by the code reviser's office 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 93-05-042**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed February 17, 1993, 10:25 a.m.]

Original Notice.

Title of Rule: Chapter 173-202 WAC, Washington forest practices rules and regulations to protect water quality.

Purpose: Housekeeping changes to maintain consistency and correct editorial mistakes.

Statutory Authority for Adoption: Chapters 90.48 and 76.09 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: A change to WAC 222-30-040 updates the citation of state water quality standards. Minor editorial corrections and the addition of some asterisks which were inadvertently missed are also proposed.

Name of Agency Personnel Responsible for Implementation: Fred Greef, 621 Woodland Square Loop S.E., Lacey, WA 98503, 493-9496; and Enforcement: Regional Staff (TFW) and Fred Greef.

Name of Proponent: Washington Department of Ecology and Forest Practices Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adequate staffing has been allotted for implementation.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A number of nonsubstantial housekeeping corrections to Title 222 WAC are necessary to maintain consistency and to maintain linkage to current water quality standards.

Proposal does not change existing rules. No change to the water quality related sections co-adopted by the Departments of Natural Resources and Ecology other than housekeeping corrections.

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

Hearing Location: Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, on April 1, 1993, at 2:00 p.m.

Submit Written Comments to: Judith Holter, Department of Natural Resources Forest Practices Division, P.O. Box 47012, Olympia, 98504-7012, by April 7, 1993.

Date of Intended Adoption: May 12, 1993.

February 16, 1993  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order 92-51, filed 12/16/92, effective 1/16/93)

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code existing on (~~December 15, 1992~~) May 12, 1993, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative Effect

WAC 222-12-070—Enforcement policy.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.



- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.
- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

**WSR 93-05-043****PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 93-01—Filed February 17, 1993, 10:30 a.m.]

## Original Notice.

Title of Rule: WAC 173-19-2521 City of Seattle shoreline master program.

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 city of Seattle.

Reasons Supporting Proposal: Shoreline master programs and revisions are developed by local governments and submitted to ecology for approval. The programs do not become effective until adopted by ecology in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Linda Whitcher, Washington Department of Ecology, Box 47692, Olympia, 98504-7692, (206) 459-6789; Implementation and Enforcement: D. Rodney Mack, Washington Department of Ecology, Box 47600, Olympia, 98504-7690, 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: The proposed amendments are intended to achieve greater compliance with the intent of the shoreline policies applicable to waterfront lots in the Lake Union area by adding the requirements that nonwater-dependent office uses be limited in size to one square foot of floor area per square foot of dry-land lot area, capped by a per-lot maximum of 10,000 square feet. All sites with proposed nonwater dependent uses must provide regulated public access.

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: City Council Chamber, 600 4th Avenue, Seattle, WA 98104, on March 23, 1993, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47692, Olympia, WA 98504-7692, by April 2, 1993.

Date of Intended Adoption: May 18, 1993.

February 16, 1993

Mary Riveland

Director

**AMENDATORY SECTION** (Amending Order 92-48, filed 2/3/93, effective 3/6/93)

**WAC 173-19-2521 Seattle, city of.** City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983. Revision approved July 12, 1983. Revision approved October 13, 1983. Revision approved October 1, 1985. Revision approved October 20, 1986. Revision approved February 11, 1987. Revision approved November 10, 1987. Revision approved October 2, 1990. Revision approved September 16, 1992. Revision approved February 2, 1993. Revision approved May 18, 1993.

**WSR 93-05-047**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Medical Examiners)  
 [Filed February 17, 1993, 10:38 a.m.]

Original Notice.

Title of Rule: WAC 246-917-121 Special purpose examination and 246-918-260 Surgical assistants—Utilization plan and supervision.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71A.020.

Statute Being Implemented: RCW 18.71.050 and 18.71A.030.

Summary: Deletes restrictive language in WAC 246-917-121 and in 246-918-260 requires surgical assistants-physician assistants to properly identify themselves at all times and in written documentation. Clarifies duties by referring to WAC 246-918-250.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Rathbun, Board of Medical Examiners, Olympia, Washington, (206) 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-917-121 will delete restrictive language regarding the SPEX examination; and WAC 246-918-260 will require surgical assistants to properly identify themselves as a surgical assistant-physician assistant in all documentation. This may result in some negative feed-back because it also will restate their restricted practice in the insurance companies may not reimburse for services.

Proposal Changes the Following Existing Rules: WAC 246-917-121 will delete restrictive language "upon review of an application for licensure by endorsement". If an applicant is not applying by endorsement, then the board may be limited in requiring a SPEX examination; and WAC 246-918-260 will require surgical assistants to properly identify themselves at all times to the public in person or in written documentation. Also restates the limitation of practice as defined in WAC 246-918-250.

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

Hearing Location: SeaTac Marriott Hotel, Dogwood Room, 3201 South 176th Street, Seattle, WA 98188, on April 2, 1993, at 9:30 a.m.

Submit Written Comments to: Patti Rathbun, Deputy Executive Director, Board of Medical Examiners, P.O. Box 47866, Olympia, WA 98504-7866, by March 29, 1993.

Date of Intended Adoption: April 2, 1993.

February 10, 1993

Patti Rathbun

Deputy Executive Director

AMENDATORY SECTION (Amending Order 203B, filed 10/2/91, effective 11/2/91)

**WAC 246-917-121 Special purpose examination.** (1) The board of medical examiners(~~(, upon review of an application for licensure by endorsement,))~~) may require an applicant to pass the special purpose examination (SPEX) or

any other examination deemed appropriate. An applicant may be required to take an examination when the board has concerns with the applicant's ability to practice competently for reasons which may include but are not limited to the following:

- (a) Resolved or pending malpractice suits;
- (b) Pending action by another state licensing authority;
- (c) Actions pertaining to privileges at any institution; or
- (d) Not having practiced for an interval of time.

(2) The minimum passing score on the SPEX examination shall be seventy-five. The passing score for any other examination under this rule shall be determined by the board.

AMENDATORY SECTION (Amending Order 278B, filed 6/3/92, effective 7/4/92)

**WAC 246-918-260 Surgical assistant—Utilization and supervision.** (1) Utilization plan. The transfer or dual application for licensure as a surgical assistant must include a detailed plan describing the manner in which the surgical assistant will be utilized. Such utilization plan shall specify which surgical assistant tasks set forth in WAC 246-918-250 will be performed by the surgical assistant.

(2) Limitations, geographic. No surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The surgical assistant(~~(, at all times when meeting with patients,))~~) shall wear a badge identifying him or her as a "surgical assistant\_ ((+))physician assistant((+))" or "S.A.P.A." In all written documents pertaining to his or her professional activities as a surgical assistant-physician assistant, the surgical assistant shall clearly denominate his or her profession as a "surgical assistant-physician assistant" or "S.A.P.A.";

(c) The surgical assistant is not presented in any manner which would tend to mislead the public as to his or her title.

(4) Responsibility of surgical assistant. The surgical assistant-physician assistant is responsible for performing only those tasks authorized by the supervising physician(s) and within the scope of surgical assistant practice described in WAC 246-918-250. The surgical assistant is responsible for ensuring his or her compliance with the rules regulating surgical assistant practice and failure to comply may constitute grounds for disciplinary action.

**WSR 93-05-048**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 92-34—Filed February 17, 1993, 10:44 a.m.]

Supplemental Notice to WSR 92-18-096.

Title of Rule: Chapter 173-400 WAC, General regulations for sources of air pollution.

Purpose: This rule is being amended to update the new source review provisions to incorporate changes in the state and federal clean air acts; establish criteria and procedures for excusing unavoidable excess emissions from penalties; and revise several sections to accommodate the state's upcoming operating permit rule.

Statutory Authority for Adoption: Chapter 70.94 RCW, Clean Air Washington Act.

Statute Being Implemented: Chapter 173-400 WAC, General regulations for sources of air pollution.

Summary: Amendments to Clean Air Washington and the federal Clean Air Act require ecology to update the general regulations for air pollution. This rule amends the following sections of chapter 173-400 WAC: WAC 173-400-030 Definitions; 173-400-040 General standards for maximum emissions; 173-400-100 Registration; 173-400-105 Records, monitoring and reporting; 173-400-110 New source review; 173-400-120 Bubble rules; 173-400-131 Issuance of emission reduction credits; 173-400-136 Use of emission reduction credits; 173-400-141 Prevention of significant deterioration (PSD); 173-400-171 Public involvement; 173-400-180 Variance; 173-400-190 Requirements for nonattainment areas; and 173-400-250 Appeals. This rule also establishes the following new sections: WAC 173-400-080 Startup and shutdown; 173-400-107 Excess emissions; 173-400-112 Requirements for new sources in nonattainment; 173-400-113 Requirements for new sources in attainment; and 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.

The Department of Ecology is also proposing that chapter 173-400 WAC, the General regulations for sources of air pollution, be included within the state implementation plan for Washington state, to comply with federal requirements.

Reasons Supporting Proposal: Adoption of this update is a vital element of the state implementation plan (SIP) revision package which ecology is required to submit to EPA. Adoption of the SIP revision by EPA will make this rule federally enforceable. Failure to adopt could result in the imposition of stricter and much more costly air pollution controls on industrial sources and the loss of highway construction grants.

Name of Agency Personnel Responsible for Drafting: Alan Butler, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (206) 649-7103; Implementation and Enforcement: Joseph Williams, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6255.

Name of Proponent: Washington State Department of Ecology, governmental.

Rule is necessary because of federal law, the following sections of 1990 Federal Clean Air Act Amendments: 112, 172, 173, 181, 182, 186, 187, 188, and 189.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will incorporate the new state and federal

requirements into the general regulations for sources of air pollution. In 1991, the Washington Clean Air Act, chapter 70.94 RCW, was amended to reflect changes in the federal Clean Air Act. These changes lower the minimum size requirement for sources to undergo the new source review process in certain nonattainment areas. The new minimum weighs the severity of the area's amendments also establish procedures and criteria for excusing unavoidable excess emissions from penalty. The majority of these excess emissions are a result of fluctuations in a facility's startup and shutdown procedures. The burden of proving that the excess emission was truly unavoidable lies with the source. The changes also require that revisions be made in the state rule to accommodate the upcoming operating permit program.

Proposal Changes the Following Existing Rules: This rule is designed to meet the requirements mandated by chapter 70.94 RCW that were not included in the rule or that needed further clarification.

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

Chapter 19.85 RCW, the Regulatory Fairness Act, requires that proposed rules be evaluated for disproportionate impacts upon small versus large businesses and that any such impacts be mitigated if feasible and legally possible. The proposed amendments to chapter 173-400 WAC have been examined, and a determination that a complete small business economic impact statement is not required has been made.

Changes to the existing rule fall generally within two groups; provisions needed to conform to new or revised federal rules or laws that have arisen since the state rule was last amended, and editorial revisions aimed at simplifying or clarifying rule language. As such, none of the proposed changes will be likely to have a significant impact upon businesses in Washington. Those amendments incorporating new or revised federal requirements will have no effects beyond those that would have occurred in their absence.

Chapter 43.21H RCW, the State Economic Policy Act, requires that economic values be considered in addition to environmental, social and public health and safety values in rule making. In view of the conclusion, described above, that the proposed rule amendments will have no effects beyond those already existing under previous rule or those which would flow from federal rule or law provisions in any case, the overall economic impacts of the proposed action are deemed negligible.

Hearing Location: On April 20, at 7 p.m., Seattle, Ecology's N.W. Regional Office, 3190 160th S.E., Blvu, Conference Room A, (206) 649-7000; on April 21, at 7 p.m., Vancouver, Fire District 5 Station #8, 17408 S.E. 15th, (206) 892-4323; and on April 22, at 7 p.m., Spokane, City Council Chambers, West 808 Spokane Falls Boulevard, (509) 625-6255.

Submit Written Comments to: David Bradley, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by April 23, 1993.

Date of Intended Adoption: July 6, 1993.

February 16, 1993  
 Mary Riveland  
 Director

Section to be Re-ProposedChapter 173-400 WAC  
General Regulations for Sources of Air PollutionAMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)**WAC 173-400-030 Definitions.** ~~((The following definitions will apply unless a different meaning is clearly required by context:~~

~~(1) "Actual emissions" relating to a particular date means the average rate, in weight per unit time of emitted pollutant during the immediately preceding two-year period of normal operation. Ecology or the authority may allow or require the use of an alternative time period if it is more representative of normal operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or burned during the selected time period.~~

~~Ecology or the authority may presume that unit specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.~~

~~(2) "Administrator" shall refer to ecology or the authority unless specifically defined otherwise.~~

~~(3)) Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:~~

~~(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.~~

~~(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.~~

~~(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.~~

~~(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.~~

~~(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.~~

~~((4)) (3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."~~

~~((5)) (4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.~~

~~((6)) (5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is ((limited in production rate or hours of operation, or both, by an applicable federally enforceable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.~~

~~(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or~~

~~(b) The applicable state implementation plan emission limitation; or~~

~~(c) The emission rate specified by an applicable federally enforceable regulatory order) subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:~~

~~(a) The applicable standards as set forth in 40 CFR Part 60 or 61;~~

~~(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or~~

~~(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.~~

~~((7)) (6) "Ambient air" means the surrounding outside air.~~

~~((8)) (7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.~~

~~((9)) (8) "Authority" means ((an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source. (This may be delegated by ecology.)~~

~~(10) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources~~

would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology)) any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(9) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under this act emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on the effective date of this act, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

~~((11))~~ (10) "Best available retrofit technology (BART)" means ~~((any))~~ an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by ~~((source))~~ an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. ~~((If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.~~

(12)) (11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

~~((13))~~ (12) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(13) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(14) "Class I area" means any ~~((federal, state, or Indian land which is classified Class I))~~ area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act Amendments as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;  
Glacier Peak Wilderness;  
Goat Rocks Wilderness;  
Mount Adams Wilderness;  
Mount Rainier National Park;  
North Cascades National Park;  
Olympic National Park;  
Pasayten Wilderness;  
Spokane Indian Reservation.

(15) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(18) "Director" means director of the Washington state department of ecology or duly authorized representative.

(19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(20) "Ecology" means the Washington state department of ecology.

(21) "Emission" means a release of air contaminants into the ambient air.

(22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(23) "Emission standard" and "emission limitation" means ~~(an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions as set forth in a regulation or regulatory order to assure continuous emission control)~~ a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(24) "Emissions unit" means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.

(25) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(26) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

~~((26))~~ (27) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(28) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(29) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(30) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((27))~~ (31) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((28))~~ (32) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((29))~~ (33) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((30))~~ (34) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~((31))~~ (35) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((32))~~ (36) "In operation" means engaged in activity related to the primary design function of the source.

~~((33))~~ (37) "Integral vista" means a view perceived from within ~~(the)~~ a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

~~((34))~~ "Land manager" means the secretary of the federal department or head of the state department or Indian governing body with authority over the Class I area.

~~(35))~~ (38) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source ~~(; whichever is more stringent))~~.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((36))~~ (39) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- North Cascades National Park;
- Olympic National Park;
- Pasayten Wilderness.

(40) "Major modification" means ~~(any physical change or change in the method of operation as defined in WAC 173-400-141.~~

~~(37) "Major source" means: Any source which emits or has the potential to emit one hundred tons per year or more of any pollutant regulated by state or federal law))~~ any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the act. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

- (a) Routine maintenance, repair, and replacement;
- (b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The source is approved to use under any approval, order, or permit issued under regulations approved pursuant to 40 CFR 51.165;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(41) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts;

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;

(iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(iv) Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.

(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(c) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;

(d) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources or the source is a major source solely due to (a)(iii) or (iv) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(e) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

~~((38))~~ (42) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

~~((39))~~ (43) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

~~((40))~~ (44) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such sources or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(45) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

~~((41))~~ (46) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

~~((42))~~ (47) "Net emissions increase" means ~~((any emissions increase as defined in WAC 173-400-141));~~

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a stationary source; and



(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing an order of approval for the source under regulations approved pursuant to 40 CFR 51.165 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 which order or permit is in effect when the increase in emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

~~(((43))) (48) "New source" means ((a source which commences construction after the effective date of this chapter. Any addition to, enlargement, modification, replacement, restart after a period of five years of nonoperation, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source));~~

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

~~(((44)))~~ (49) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~(((45)))~~ (50) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~(((46)))~~ (51) "Notice of construction application" means a written application to permit construction of a new source ~~((or)),~~ modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

~~(((47)))~~ (52) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~(((48)))~~ (53) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

~~(((49)))~~ (54) "Order" means any order issued by ecology or a local air authority pursuant to RCW 70.94.332 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, and regulatory order.

(55) "Order of approval" "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source after review of all information received including public comment as required under WAC 173-400-110 and 173-400-141.

(56) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~(((50)))~~ (57) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

~~(((51)))~~ (58) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~(((52)))~~ (59) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~(((53)))~~ (60) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~(((54)))~~ (61) "PM-10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method,



or an equivalent or alternate method, specified in Appendix M of 40 CFR Part ((60)) 51 or by a test method specified in the Washington state implementation plan.

((55)) (62) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

((56)) (63) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141. Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.

((57)) (64) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

((58)) (65) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

((59)) (66) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

((60)) (67) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which ((approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements)) applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

((61)) (68) "Significant ((emission))" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

(Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		

Particulate matter	25	500	50
PM 10	15		
Lead	.6		
Total reduced sulfur (as H <sub>2</sub> S)	10		
Total fluoride	3))		

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM <sub>10</sub> )	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (including H <sub>2</sub> S)	10
Reduced sulfur compounds (including H <sub>2</sub> S)	10
Municipal waste combustor organics	0.000035
<u>(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans</u>	
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride)	40

((62)) (69) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

((63)) (70) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, ((which)) that are located on one or more contiguous ((or adjacent)) properties, and are under the control of the same person((s) and those) or persons under common control, whose activities ((that)) are ((secondary)) ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

((64)) (71) "Source category" means all sources of the same type or classification.

((65)) (72) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

((66)) (73) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

((67)) (74) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

((68)) (75) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for

transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

(76) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

((69)) (77) "Total reduced sulfur, (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

((70)) (78) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

((71)) (79) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

((72)) (80) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

((73)) (81) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

((74)) (82) "Volatile organic compound, (VOC)" means ~~(any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the USEPA administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard. This reactivity policy exempts the following compounds per the Federal Register: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform)):~~

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no saturations; and

(iii) Sulfur containing perfluorocarbons with no saturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-040 General standards for maximum emissions.** All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined ~~((to be less than determined))~~ to be less than RACT, ecology or the authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order or operating permit condition to the source or sources for installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for

the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use ~~((best available control technology (BACT)))~~ reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated. ((Significance will be determined by EPA interpretive ruling for PSD and offsets on file with ecology.))

(4) **Odors.** Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) **Sulfur dioxide.**

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations.

All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) **Fugitive dust sources.**

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a Category I PM-10 area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended through ~~((July 1, 1990))~~ (date of adoption).

#### NEW SECTION

**WAC 173-400-081 Startup and shutdown.** In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) ecology and the authorities shall consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where ecology or the authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, ecology or the authority shall include in the standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions. In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, ecology and the authorities shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule. Any emission limitation or other parameter adopted under this rule which increases allowable emissions during startup or shutdown conditions over levels authorized in an approved state implementation plan shall not take effect until approved by EPA as a SIP amendment.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-100 Registration.** The owner or operator of each source within the following source categories that does not hold an operating permit shall register the source with ecology or ~~((and))~~ the authority:

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Beverage can surface coating operations;
- (4) Bulk gasoline terminals;
- (5) Cattle feedlots with facilities for one thousand or more cattle;
- (6) Chemical plants;

- (7) Ferrous foundries;
- (8) Fertilizer plants;
- (9) Flexible vinyl and urethane coating and printing operations;
- (10) Grain handling, seed processing, pea and lentil processing facilities;
- (11) Metallic mineral processing plants;
- (12) Mineralogical processing plants;
- (13) Nonferrous foundries;
- (14) Other metallurgical processing plants;
- (15) Petroleum refineries;
- (16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (17) Pressure sensitive tape and label surface coating operations;
- (18) Rendering plants;
- (19) Scrap metal operations;
- (20) Synthetic organic chemical manufacturing industries;
- (21) Sulfuric acid plants;
- (22) Synthetic fiber production facilities;
- (23) Veneer dryers;
- (24) Wood waste incinerators including wigwam burners;
- (25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (26) Stationary internal combustion engines rated at five hundred horse power or more;
- (27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;
- (29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
- (30) Any major stationary source.

Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.

A report of closure shall be filed with ecology or the authority within ninety days ~~((with ecology or an authority if under their jurisdiction when))~~ after operations producing emissions permanently cease at any source within the above categories.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-105 Records, monitoring, and reporting.** The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, ~~((PM-10))~~ PM<sub>10</sub>, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required)

no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 ~~((C.F.R.))~~ CFR 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

~~(5) ((Report of startup, shutdown, breakdown or upset condition(s). If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner(s) or operator(s) of the source(s) shall take the following actions as applicable:~~

~~(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority in advance of its occurrence.~~

~~(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible.~~

~~Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.~~

~~Compliance with the requirements of WAC 173-400-105(5) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter or an applicable chapter nor from the resulting liabilities for failure to comply.~~

~~(6))~~ Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

- (a) Fossil fuel-fired steam generators.
  - (i) Opacity, except where:
    - (A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or
    - (B) Only gaseous fuel is burned.
  - (ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.
  - (iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.
  - (iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-105 (6)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-105 (6)(d) shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (6) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or

operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

~~((7))~~ (6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program.

Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

#### NEW SECTION

**WAC 173-400-107 Excess emissions.** (1) The owner or operator of a source shall have the burden of proving to ecology or the authority or the decision-making authority in an enforcement action that excess emissions were unavoidable.

(2) Excess emissions determined by ecology or the authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to ecology or the authority as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates to ecology or the authority that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and demonstrates to the satisfaction of ecology or the authority or the decision-making authority in an enforcement action that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and demonstrates to the satisfaction of ecology or the authority that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-110 New source review (NSR). (1) Applicability.**

~~((a) A notice of construction must be approved by ecology or the authority prior to the construction, installation, or establishment of a new source or emissions unit which is required to register per WAC 173-400-100.~~

~~(b) Ecology or the authority may require a notice of construction prior to the construction, installation, or establishment of any other new source, other than a single family or duplex dwelling.~~

~~(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.~~

~~(d) The owner(s) or operator(s) of any source that is required to register per WAC 173-400-100 shall notify ecology or the authority prior to replacement of air pollution control equipment or process equipment other than equivalent replacement for routine maintenance and repair. Ecology or the authority may determine that a notice of construction is required.~~

~~(2) **Additional information.** Within thirty days of receipt of a notice of construction, ecology or the authority may require the submission of additional plans, specifications, and other information necessary for the review of the proposed new or modified source.~~

~~(3) **Requirements for new sources.** Ecology or the authority shall review notice(s) of construction, plans, specifications, and other associated information to determine that:~~

~~(a) The new source will be in accord with applicable federal and state rules and regulations, including NSPS and NESHAPS and the new source will use BACT for emissions control; and~~

~~(b) Requirements for nonattainment areas;~~

~~(i) If the new source is a major source or the proposed change is a major modification, it will comply with LAER for emissions of the contaminants for which nonattainment has been designated; and~~

~~(ii) If the new source is a major source or the proposed change is a major modification and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or VOCs, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh~~

~~the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act (SEPA) or the National Environmental Policy Act (NEPA) as a source of information; and~~

~~(iii) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the new source is a major source or the proposed change is a major modification, the total new allowable emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total allowable emissions from existing sources, except that: (A) Ecology or the authority may require that new total allowable emissions be reduced to less than existing total allowable emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and (B) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner(s) or operator(s) of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources; and~~

~~(iv) If the new source is a major source or the proposed change is a major modification, the owner(s) or operator(s) shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act; and~~

~~(v) In a locality that does not meet national ambient air quality standards and has not been designated a nonattainment area, a proposed new major source or major modification must reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact. An ecology approved air quality model shall be used to demonstrate a net air quality benefit where the source would otherwise cause or contribute to a violation of any national ambient air quality standard.~~

~~(e) **Requirements for attainment areas.** If the proposed new source is located in an area that is in attainment for contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit VOCs;~~

~~(i) The allowable emissions from the proposed new source will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any national ambient air quality standard. This requirement will be considered to be met if the impact at any location within a nonattainment area or a locality exceeding the applicable standard does not exceed the following levels:~~



Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
TSP	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>			
SO <sub>2</sub>	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>		25 ug/m <sup>3</sup>	30 ug/m <sup>3</sup>
PM 10	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>			
NO <sub>2</sub>	1.0 ug/m <sup>3</sup>				

(ii) The proposed new source will not cause a violation of any ambient air quality standard.

(iii) An offsetting emissions reduction that satisfies the requirements of WAC 173-400-110 (3)(b) may be used to satisfy the requirements of WAC 173-400-110 (3)(c) and (d) if required.

(d) **Visibility requirements.** Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(i) When the land manager has officially designated visibility to be an important attribute, the owner(s) or operator(s) of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(ii) Ecology shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(iii) All evaluations of visibility impairment required under this section shall use the models on file with ecology or equivalent models approved by ecology or EPA.

(iv) The results of the evaluation shall be sent to the land manager of the affected areas for review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to ecology within thirty days of receipt of the evaluation results.

(v) Should ecology concur with the recommendation of the land manager, the notice of construction shall be approved or disapproved according to the recommendation. Ecology may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(vi) Ecology or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(vii) Ecology may require visibility monitoring at the site of the new source or potentially affected areas as a part

of the applicable regulatory order. The monitoring period may be before or after construction or both.

(4) **Preliminary determination.** Within thirty days after receipt of all information required, ecology or the authority shall:

(a) Make preliminary determinations on the matters set forth in subsection (3)(b), (c), and (d) of this section if applicable; and

(b) Initiate compliance with the provisions of WAC 173-400-171 relating to public notice and public comment, as applicable.

(5) **Final determination.** If, after review of all information received including public comment, ecology or the authority finds that all the conditions in subsection (3) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(6) **Appeal of approval.** A notice of construction approval can be appealed to the state pollution control hearings board per RCW 70.94.025.

(7) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(8) **Commencement of construction.** The owner(s) or operator(s) of the new source shall not commence construction until the applicable notice of construction has been approved. (a) A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification which is listed in WAC 173-400-100.

(b) Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(c) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(2) **Completeness determination.** Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-

141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

**(3) Final determination.**

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

(c) Every final determination required under this section shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.

(d) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) Appeals. An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW.

(5) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

## NEW SECTION

**WAC 173-400-112 Requirements for new sources in nonattainment areas.** Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan and will comply with WAC 173-400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, and ecology or the authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source is a major stationary source or the proposed modification is a major modification, allowable emissions from the proposed new source or modification are offset by reductions in actual emissions from existing sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions must be less than the current level of actual emissions of the source providing emissions reduction. No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source. Emission reductions imposed by local, state, or federal regulations or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit. For ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, ambient concentrations of the nonattainment pollutant are not increased by any location as demonstrated through appropriate dispersion modeling.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in an EPA-approved state implementation plan.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in WAC



173-400-141, it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

(9) If the proposed new source is a major stationary source or the proposed modification is a major modification ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28 (c) through (h), as in effect on January 1, 1993, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in WAC 173-400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

**NEW SECTION**

**WAC 173-400-113 Requirements for new sources in attainment or nonclassifiable areas.** Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment or unclassifiable for any air contaminant the new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO<sub>x</sub>, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment or unclassifiable nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
TSP	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in WAC 173-400-141, it meets all applicable requirements of that chapter.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.

**NEW SECTION**

**WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.** (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a notice of construction application with the appropriate authority, or with ecology in areas or for sources over which ecology has jurisdiction.

(2) For projects not otherwise reviewable under WAC 173-400-110, ecology or the authority may:

(a) Require that the owner or operator employ RACT for the affected emission unit; and

(b) Prescribe reasonable operation and maintenance conditions for the control equipment.

(3) Within thirty days of receipt of a notice of construction application under this section ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete notice of construction application under this section ecology or the authority shall either issue an order of approval or a proposed RACT determination for the proposed project.

(4) Actual construction, as defined in WAC 173-400-030 (17)(a) and (b), shall not begin on a project subject to review under this section until ecology or the authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if ecology or the authority takes no action within thirty days of receipt of a complete notice of construction application.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-120 Bubble rules.** (1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal

law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.

(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The contaminants exchanged must be of the same type, that is, (~~particulates for particulates~~) PM<sub>10</sub> for PM<sub>10</sub>, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of air quality standards. No bubble shall be authorized in a nonattainment area unless it is contained in an EPA-approved SIP which demonstrates attainment for that area.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous (~~(NESHAPS)~~) contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized only for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulates limit;

(iii) An opacity greater than sixty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) (~~Concurrently~~) Concurrent with or prior to the authorization of a bubble, each (~~affected source~~) emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time. (~~The new total allowable emissions shall be considered RACT.~~)

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by ecology or the authority.

(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which are under the jurisdiction of (~~ecology and some of which are under the jurisdiction of~~) an authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.

(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within the time period allowed by the state operating permit rules, or for nonpermitted sources, within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, (~~a regulatory order or equivalent document shall be issued which includes~~) the operating permit for each source affected by the bubble shall be revised to incorporate new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit (~~involved in the application~~) affected by the bubble. The (~~order or equivalent document must~~) revised permit shall include (~~all requirements necessary~~) any conditions required to assure that (~~conditions in~~) subsection (2)(a) through (j) of this section will be satisfied. If a source affected by a bubble is not a permitted source under the state operating permit program, the conditions imposed to satisfy subsection (2)(a) through (j) of this section shall be adopted as a regulatory order. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit (~~the~~) operation of the affected equipment.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-131 Issuance of emission reduction credits.** (1) Applicability. The owner(s) or operator(s) of any source(s) may apply to ecology or the authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.

(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction

under WAC ~~((173-400-110 (3)(e)))~~ 173-400-112(4), nor as part of a bubble transaction under WAC 173-400-120, nor to satisfy NSPS, NESHAPS, BACT, or LAER.

(e) ~~((Concurrently))~~ Concurrent with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order or permit that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time. ~~((The new allowable emissions shall be considered RACT.))~~

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within the time period allowed by the state operating permit rules, or for nonpermitted sources, within thirty days after all ((the)) required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. ((If the ERC application has not been approved or denied within thirty days, the ERC will be automatically approved.)) If the application is approved, ecology or the authority shall:

(a) ~~((Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the startup.))~~ Modify the source's operating permit to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The modified permit shall include any conditions required to assure that subsection (3)(a) through (e) of this section will be satisfied. If a source applying for an ERC is not a permitted source under the state operating permit program the conditions imposed to satisfy subsection (3)(a) through (e) of this section shall be adopted as a regulatory order. If the ERC depends in whole or in part upon the shutdown of equipment, the revised permit or regulatory order must prohibit operation of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-136 Use of emission reduction credits.**

(1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-

400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per WAC ~~((173-400-110 (3)(e)), to satisfy requirements for PSD review per WAC 173-400-110 (4)(e), or to satisfy requirements for visibility review per WAC 173-400-110 (4)(e)))~~ 173-400-112 or 173-400-113(3), or to satisfy requirements for PSD review per WAC 173-400-113(4).

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. Ecology or the authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by ecology or the authority after public involvement per WAC 173-400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-141 Prevention of significant deterioration (PSD).** Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on ~~((July 1, 1989))~~ January 1, 1993, are incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs ~~((at the same time or within ten years prior to the change))~~ between the date ten years before construction on the particular change commenc-

es and the date that the increase from the particular change occurs. If a decrease occurred more than one year prior to the date of submittal of the notice of construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect ((July 1, 1989)) January 1, 1993, is hereby incorporated by reference(~~(, with the following modifications:~~

~~(a) In 40 CFR 51.166 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.~~

~~(b)) except that in 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days and the word "administrator" shall mean the EPA administrator.~~

(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on ((July 1, 1989)) January 1, 1993, is herein incorporated by reference.

(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(6) ~~((List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1989:~~

- ~~Mount Rainier National Park~~
- ~~North Cascade National Park~~
- ~~Olympic National Park~~
- ~~Alpine Lakes Wilderness Area~~
- ~~Glacier Peak Wilderness Area~~
- ~~Goat Rocks Wilderness Area~~
- ~~Mount Adams Wilderness Area~~
- ~~Pasayten Wilderness Area.)~~

Significant. The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA §112.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-171 Public involvement.** (1) **Applicability.** Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction application for any new or modified source or emissions unit, if a net significant emissions increase for any pollutant regulated by state or federal law would result; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Notice of construction application or regulatory order used to establish a creditable emission reduction; or

(i) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) **Public notice.** Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if

it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-180 Variance.** Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) **Jurisdiction.** Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Variations to state rules shall require ecology's approval prior to being issued by an authority. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) **EPA concurrence.** 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 USEPA.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-250 Appeals.** Decisions and orders of ecology or an authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. (~~PSD permits issued by ecology are appealable only to ecology pursuant to 40 CFR Part 124.~~)

**WSR 93-05-052  
PROPOSED RULES  
DEPARTMENT OF  
GENERAL ADMINISTRATION  
(Division of Banking)  
[Filed February 17, 1993, 11:00 a.m.]**

Original Notice.

Title of Rule: Interstate acquisition reciprocity—States possessing.

Purpose: Updating WAC 50-48-100 to add states that possess acceptable reciprocal interstate acquisition statutes with Washington.

Statutory Authority for Adoption: RCW 30.04.232 (1)(c).

Statute Being Implemented: RCW 30.04.232.

Summary: RCW 30.04.232 (1)(c) authorizes the supervisor of banking to identify by rule the states that allow Washington banks to acquire out-of-state banks on terms and conditions no less favorable than other banks doing a banking business within that state. Accordingly, those out-of-state banks may acquire banks in Washington.

Reasons Supporting Proposal: The rule was last amended June 9, 1987, and many more states have authorized interstate banking since then.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Bley, 1400 South Evergreen Park Drive S.W., #120, Olympia, 753-6520.

Name of Proponent: Division of Banking, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Update lists states that have reciprocity with Washington regarding interstate bank acquisitions.

Proposal Changes the Following Existing Rules: Adds states to the rule which possess interstate acquisition reciprocity with Washington.

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

Hearing Location: Division of Banking, 1400 South Evergreen Park Drive S.W., Suite 120, Olympia, WA 98504, on March 23, 1993, at 9:00 a.m.

Submit Written Comments to: John L. Bley, P.O. Box 41026, Olympia, WA 98504-1026, by March 23, 1993.

Date of Intended Adoption: March 23, 1993.

February 17, 1993

John L. Bley

Supervisor of Banking

AMENDATORY SECTION (Amending Order 68, filed 6/9/87)

**WAC 50-48-100 Interstate acquisition reciprocity—States possessing.** The supervisor of banking, having reviewed the laws of the following states as they relate to a domestic (Washington) bank holding company acquiring more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within such states, has determined, pursuant to RCW 30.04.232, that the laws of such states allow a domestic bank holding company to acquire a bank, trust company, or national banking association, the principal operations of which are conducted within such states, and permit the operation of the acquired bank, trust company, or national banking association within such states on terms and conditions no less favorable than other banks, trust companies, or national banking associations doing a banking business within such states: (1) Alaska, (2) Arizona, (3) California, ~~((3))~~ (4) Colorado, (5) Connecticut, (6) Idaho, ~~((4))~~ (7) Illinois, (8) Kentucky, (9) Louisiana, (10) Maine, (11) Massachusetts, (12) Michigan, (13) Nebraska, (14) Nevada, (15) New Hampshire, (16) New Jersey, (17) New Mexico, (18) New York, ~~((and (5)))~~ (19) North Dakota, (20) Ohio, (21) Oklahoma, (22) Oregon, (23) Pennsylvania, (24) Rhode Island, (25) South Dakota, (26) Tennessee, (27)

Texas, (28) Utah, (29) Vermont, (30) West Virginia, and (31) Wyoming.

Other states not listed shall be reviewed on a case-by-case basis.

**WSR 93-04-022**  
**PERMANENT RULES**  
**GREEN RIVER**  
**COMMUNITY COLLEGE**  
 [Filed January 27, 1993, 10:54 a.m.]

Date of Adoption: September 17, 1992. Public hearing held on September 17, 1992.

Purpose: Green River Community College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

Citation of Existing Rules Affected by this Order: Repealing chapter 132J-120 WAC, Student body rights and responsibilities; and amending WAC 132J-108-020 and 132J-108-050.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Pursuant to notice filed as WSR 92-14-118 on July 1, 1992.

Effective Date of Rule: Thirty-one days after filing,  
 January 25, 1993  
 Michael H. McIntyre  
 Vice-President for Marketing  
 and Student Development

**GREEN RIVER COMMUNITY COLLEGE**  
**RULES OF STUDENT CONDUCT**

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**REPEALER**

- WAC 132J-120 STUDENT BODY RIGHTS AND RESPONSIBILITIES

PERMANENT

**RULES OF STUDENT CONDUCT**  
**SECTION I**  
**INTRODUCTION**

NEW SECTION

**WAC 132J-125-010 Purpose.** (1) Green River Community College, an agency of the state of Washington, provides a variety of educational opportunities for students; namely the opportunities to examine the academic, vocational, technical, cultural, social and recreational aspects of society. Green River Community College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

(2) The student is, first of all, a member of the community at large, and as such has the rights and responsibilities of any citizen. In addition, admission to Green River Community College carries with it the presumption that students will conduct themselves as responsible members of the college community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college, will maintain a high standard of integrity and honesty, and will respect the rights, privileges and property of other members of the college community.

(3) The following rules regarding the conduct of students are adopted in order to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions. Sanctions for violations of the rules of student conduct will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to the appropriate authorities. In cases of minors, this conduct may also be referred to parents or legal guardians.

NEW SECTION

**WAC 132J-125-020 Definitions.** As used in this chapter, unless the context requires otherwise:

(1) "Administration" and "administrator" include the president, assistant(s) to the president, vice presidents, deans, directors of programs or functions, and everyone else designated as a member of the administration by the board of trustees.

(2) "Arbitrary or capricious" refers to willful or unreasonable action, taken without consideration of, or in disregard of, facts or circumstances of a particular case. Where there is room for two reasonable opinions, an action shall not be deemed to be arbitrary or capricious when taken honestly and upon due consideration, however much it may be believed that an erroneous conclusion has been reached.

(3) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(4) "College" means the institution(s) operated by the board of trustees of the district.

(5) "College community" is composed of all individuals who are enrolled in classes and/or employed by the college.

(6) "College facilities" and "college facility" mean and include any and all real and personal property owned, rented, leased or operated by the board of trustees of Washington State Community College District 10, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(7) "Designee" means a person appointed in writing by an officer or other person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(8) "Disciplinary action" and "discipline" shall mean and include reprimand, probation, suspension, dismissal, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

(9) "District" means Washington State Community College District 10.

(10) "Faculty member" and "instructor" mean any employee of Washington Community College District 10 who is employed on a full or part-time basis as a teacher, instructor, counselor or librarian.

(11) "President" is the chief executive officer of the college appointed by the board of trustees.

(12) "Recognized student organization" means the organization established by and operated pursuant to the Constitution of the Associated Students of Green River Community College.

(13) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted.

(14) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

(15) "Student" is any person who is enrolled for classes or is formally in the process of applying for admission to the college.

(16) The singular includes the plural and vice versa, the masculine includes the feminine and vice versa, and the disjunctive includes the conjunctive and vice versa.

NEW SECTION

**WAC 132J-125-030 Jurisdiction.** This chapter shall apply to students and student conduct which occurs (1) on or in a college facility or (2) whenever a student is present at or engaged in any college-sponsored program or function. This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

**SECTION II**  
**NONACADEMIC RIGHTS AND RESPONSIBILITIES**

NEW SECTION

**WAC 132J-125-055 Right to demand identification.**

(1) For the purpose of determining identity of a person as a student, any faculty member, college administrator, or designee of the president may demand that any person produce evidence of student enrollment at the college. Presenting a current student identification card with a picture I.D. card will be deemed proof of student status.



(2) Refusal by a student to produce identification as required shall be cause for disciplinary action.

#### NEW SECTION

**WAC 132J-125-060 Freedom of expression.** The right of free speech is fundamental to the democratic process. Students and other members of the college community shall be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

#### NEW SECTION

**WAC 132J-125-065 Right to assembly.** (1) Students shall have the right of "assembly" upon college facilities that are generally available to the public. Such assembly shall:

- (a) Be conducted in an orderly manner;
- (b) Not unreasonably interfere with vehicular or pedestrian traffic;
- (c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, and
- (d) Not unreasonably interfere with the regular activities of the college.

(2) A student who conducts or participates in an assembly in a manner which causes or helps to cause a violation of this section shall be subject to discipline.

(3) All speakers at an assembly shall allow time, insofar as circumstances reasonably permit, for a question and answer session.

(4) Sound amplifying equipment shall not be used without permission of the college president or president's designee.

#### NEW SECTION

**WAC 132J-125-070 Right to outside speakers.** (1) Any recognized student organization, after written notification to the dean for student programs as prescribed herein, may invite a speaker to the college, subject to any restraints imposed by law.

(2) The appearance of an invited speaker at the college does not represent an endorsement, either implicit or explicit, by the college.

(3) The scheduling of facilities for hearing invited speakers shall be made through the college conference and scheduling office.

(4) The dean for student programs must be notified in writing at least four academic days prior to the appearance of an invited speaker. Notification shall include time, location and sponsoring organization. An exception to the four day notification requirement may be made by the dean for student programs or the vice president for marketing and student development.

(5) All speakers shall allow time, insofar as circumstances reasonably permit, for a question and answer session.

#### NEW SECTION

**WAC 132J-125-075 Right to sale of personal property.** (1) Students have the right to engage in legal, incidental sales of personal property in private transactions.

(2) All other sales shall take place in Lindbloom Student Center subject to the approval and requirements of the dean for student programs or designee.

#### NEW SECTION

**WAC 132J-125-080 Distribution of materials.** (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge upon college facilities designated by the dean for student programs, provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) All students and nonstudents shall register with the dean for student programs prior to distributing any handbill, leaflet, newspaper or related matter, including, but no limited to, materials to be posted on college bulletin boards.

(3) The distribution of materials is prohibited in parking areas.

(4) All handbills, leaflets, newspapers and similar materials should identify the publisher and the distributing organization or individual.

(5) Distribution by means of accosting individuals or unreasonably disruptive behavior is prohibited.

(6) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or similar materials shall be subject to discipline.

(7) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college.

#### NEW SECTION

**WAC 132J-125-085 Denial of access to Green River Community College.** (1) The vice president for marketing and student development may deny admission to a prospective student, or continued attendance to an enrolled student, if it reasonably appears that the student would not be competent to profit from the curriculum offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college or a substantial risk of actual harm to a member of the campus community.

(2) Denial of access decisions may be appealed, as or like disciplinary actions, to the disciplinary board or academic board, whichever is designated by the vice president for marketing and student development.

#### NEW SECTION

**WAC 132J-125-090 Trespass.** (1) In the instance of any event that the vice president for marketing and student development or designee deems to be disruptive of order, or deems to impede the movement of persons or vehicles, or deems to disrupt or threaten to disrupt the ingress or egress of persons from college facilities, the vice president for marketing and student development or designee is authorized to:

(a) Prohibit the entry of any person, or withdraw from any person the license or permission to enter onto or remain, upon any portion of a college facility;

(b) Give notice against trespass to any person from whom the license or permission has been withdrawn or who

has been prohibited from entering onto or remaining upon all or any portion of a college facility;

(c) Order any person to leave or vacate all or any portion of a college facility.

(2) Any student who disobeys a lawful order given by the vice president or designee pursuant to subsection (1) shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-095 Smoking.** Smoking in college buildings and in areas of the campus not specifically posted by the administration as open for smoking is not permitted. Violations of this section shall be cause for discipline.

#### NEW SECTION

**WAC 132J-125-100 Liquor.** Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any liquor as defined in RCW 66.04.010, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-105 Drugs/substance abuse.** Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any narcotic drug or controlled substance as defined in RCW 69.50.101, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline. For purposes of this section, "sell" includes the statutory meaning in RCW 69.50.410.

#### NEW SECTION

**WAC 132J-125-110 Conduct at college functions.** Any student who significantly disrupts any college function by intentionally engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner, shall be subject to discipline. A college function for this purpose includes, but is not limited to, any disciplinary, grievance, or appeal meeting or hearing under these rules.

#### NEW SECTION

**WAC 132J-125-115 Theft; stolen property; robbery.** Any student who, while in any college facility or participating in a college-related program, commits theft as defined in RCW 9A.56.020, or possesses stolen property as defined in RCW 9A.56.140, or commits robbery as defined in RCW 9A.56.190, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-120 Damaging property.** (1) Any student who causes or attempts to cause physical damage to property owned, controlled or operated by the district, or to property owned, controlled or operated by another person while said property is located on college facilities, shall be subject to discipline.

(2) Any student who in this or any other manner is guilty of malicious mischief in violation of RCW 9A.48.070 through 9A.48.100 shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-125 Interference; intimidation.** Any student who, while in any college facility or participating in a college-related program, shall interfere by force or violence with, or intimidate by threat of force or violence, another person who is in the peaceful discharge or conduct of his/her duties or studies, in the manner prohibited by RCW 28B.10.570 or 28B.10.571, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-130 Offensive language.** Any student who, while in any college facility or participating in a college-related program, and without a privilege to do so, uses language which he/she knows or should know is offensive to a reasonable person, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-135 Sexual harassment.** Any student who, while in any college facility or participating in a college-related program, knowingly engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-140 Forgery or alteration of records.** Any student who, while in any college facility or participating in a college-related program, engages in forgery, as defined in RCW 9A.60.020, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-145 Computer trespass.** Any student who, without authorization, intentionally gains access to a computer system or electronic data of another student, a faculty member or the district, in violation of RCW 9A.52.110 through 9A.52.130, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-150 Firearms/explosives.** Any student who, while in any college facility or participating in a college-related program, uses or has on his/her person firearms or explosive materials, without written permission of the vice president for marketing and student development or vice president's designee, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-155 Other punishable acts.** Any student who, while in any college facility or participating in a college-related program, commits any other act which is a crime under the laws of the state of Washington or the

United States and which act does not otherwise violate a rule of student conduct, shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-160 Initiation and types of nonacademic discipline.** (1) Any college administrator, except the president or a member of the disciplinary board, may take either of the following disciplinary actions against a student, for causes other than cheating or classroom misconduct:

(a) Warning: An oral or written notice to a student that college expectations about conduct have not been met;

(b) Reprimand: A written notice, designated as a reprimand, which censures a student for improper conduct and includes a warning that continuation or repetition of improper conduct may result in other, further discipline.

(2) A copy of any written warning or reprimand should be provided to the vice president for marketing and student development.

(3) The vice president for marketing and student development, or designee, after meeting or attempting to meet with the student to advise of the potential violation and penalties, may issue a warning or reprimand or take any of the following disciplinary actions against a student, for causes other than cheating or classroom misconduct:

(a) Probation: A written statement placing specific conditions upon the student's continued attendance at the college, for a stated period of time not exceeding termination of the student's enrollment. Violation of any such condition shall be cause for further disciplinary action;

(b) Suspension or Dismissal: Written termination of status as a student at the college, for a period of time that is limited (suspension) or indefinite or open-ended (dismissal). The written notice should indicate any condition(s) for readmission, and that written application for readmission must be made to the vice president for marketing and student development. Upon receipt of such an application, with justification deemed adequate by that vice president, the student may be readmitted. No fees will be refunded for the quarter in which the action is taken;

(c) Monetary fine or restitution: A written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or a monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or cancelling and barring the student's registration.

(4) Any written notice of disciplinary action under this rule (a) shall be either delivered personally or mailed by first class mail to the student's last known address, within sixty academic days after the later of the student misconduct or the date the misconduct was discovered or should have been discovered, and (b) shall advise the student of his/her right to appeal under these rules.

#### NEW SECTION

**WAC 132J-125-165 Appeal of nonacademic discipline.** A student may appeal a nonacademic disciplinary action by filing with the vice president for marketing and student development, within twenty days after the earlier of personal delivery or mailing of notice of the disciplinary

action, a written application for an adjudicative proceeding conducted by the disciplinary board. The vice president or designee has discretion to extend this deadline for good cause.

#### NEW SECTION

**WAC 132J-125-170 College disciplinary board.** (1) The Green River Community College Disciplinary Board is hereby established. The purpose of the disciplinary board is to provide a student with an opportunity to be heard by an independent body with regard to nonacademic discipline.

(2) The disciplinary board shall be composed of five members, who should be chosen no later than November first of each academic year. The board members shall be selected as follows:

(a) The recognized faculty organization shall appoint one member and an alternate; each such person shall serve a two-year term, which shall automatically be extended until his/her successor is appointed.

(b) The president of the recognized student organization shall appoint two members and an alternate; each such person shall serve a one-year term, which shall automatically be extended until a successor is appointed.

(c) The college president shall appoint one member and an alternate from the college administration, neither of them being the vice president for marketing and student development, who shall serve at the pleasure of the president.

(d) The chairperson of the board shall be the person functioning as dean of educational planning or his/her designee; if that dean is disqualified from serving, the chairperson shall be the person functioning as dean of student programs or his/her designee.

### SECTION III ACADEMIC RESPONSIBILITIES AND RIGHTS

#### NEW SECTION

**WAC 132J-125-180 Academic responsibilities.** Admission to Green River Community College carries with it the presumption that students will conduct themselves as responsible and honorable members of the college community. Students are expected to maintain high standards of academic honesty and integrity.

#### NEW SECTION

**WAC 132J-125-190 Student academic rights.** (1) A student has the right to fair and equal treatment in all areas of academic concern.

(2) A student has the right to a fair evaluation of his/her academic work.

(3) A student has the right to clearly stated criteria for evaluation by the faculty.

(4) A student has the right to appeal any academic discipline.

#### NEW SECTION

**WAC 132J-125-200 Plagiarism/cheating.** (1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty as part of the student's program of instruction, shall commit

plagiarism or otherwise knowingly tender any work product that the student falsely represents to the faculty as the student's work product, in whole or in part, shall be subject to discipline.

(2) Any student who knowingly aids or abets the accomplishment of cheating, as defined in subsection (1) of this section, shall also be subject to discipline.

#### NEW SECTION

**WAC 132J-125-210 Classroom conduct.** Any student who significantly disrupts any college class and makes it unreasonably difficult to conduct the class in an orderly manner shall be subject to discipline.

#### NEW SECTION

**WAC 132J-125-220 Initiation of academic discipline.**

(1) After considering available information about possible violation of an academic rule:

(a) A college instructor, after meeting or attempting to meet with the accused student, and upon written notice to the student, may assign to the student a lower or failing grade for an individual project, test or paper or for the entire course;

(b) The student's dean, after consulting with the division or department involved and meeting or attempting to meet with the accused student, may recommend modification of the instructor's action and/or dismissal of the student from the college;

(c) The vice president for instruction, after consulting with the dean and meeting or attempting to meet with the accused student, may modify the instructor's action and/or place the student on probation or dismiss the student from the college.

(2) Written notice of any academic discipline under this rule (a) shall be either delivered personally or mailed by first class mail to the student's last known address, within sixty academic days after the later of the student misconduct or the date the misconduct was discovered or should have been discovered, and (b) shall advise the student of his/her right to appeal under these rules.

#### NEW SECTION

**WAC 132J-125-230 Student academic grievance.** An academic grievance refers to a claim by a student that:

(1) A specific grade assigned to the student by an instructor is the result of an arbitrary or capricious application of otherwise valid standards of academic evaluation;

(2) The standards employed by an instructor in evaluating the student's academic progress are arbitrary or capricious; or

(3) An instructor or academic administrator has made an arbitrary or capricious decision or taken an arbitrary or capricious action which adversely and significantly affects the student's academic standing or career.

#### NEW SECTION

**WAC 132J-125-240 Appeal of academic discipline; filing of academic grievance.** (1) A student may appeal academic discipline or initiate an academic grievance by the following steps:

(a) Step One — Within ten days of the earlier of mailing or personal receipt of notice of the disciplinary action or receipt of notice or information about the facts on which the grievance is based, the student must meet or deliver a written request to meet immediately with his/her instructor to discuss the specific academic discipline or grievance.

(b) Step Two — If no resolution occurs, the student must notify the vice president for marketing and student development. That vice president or his/her designee shall attempt to arrange a meeting with the student, faculty member and division chairperson.

(c) Step Three — If no resolution occurs, the student must again notify the vice president for marketing and student development or designee, who shall attempt to arrange a meeting between the student and the appropriate instructional administrator.

(d) Step Four — If no resolution occurs, the student must again notify the vice president for marketing and student development or designee, who shall attempt to arrange a meeting between the student and vice president for instruction.

(2) Every affected person shall act promptly and in good faith to complete these four steps in an expeditious manner. Failure to act promptly and in good faith shall be cause for the vice president for marketing and student development or designee to uphold or dismiss the appeal or grievance without completion of any remaining step, provided that any such action shall itself be appealable to the academic board.

(3) If no resolution has occurred through use of all of these four steps within twenty days after the action being challenged in the student's appeal or grievance, the student may file with the vice president for marketing and student development, within thirty days after the action being challenged, a written application for an adjudicative proceeding conducted by the academic board. The vice president or designee has discretion to extend this deadline for good cause.

#### NEW SECTION

**WAC 132J-125-250 College academic board.** (1) The Green River Community College Academic Board is hereby established. The purpose of the academic board is to provide a student with an opportunity to be heard by an independent body with regard to discipline and/or an academic grievance.

(2) The academic board shall be composed of five members, who should be chosen no later than November 1st of each academic year. The board members shall be selected as follows:

(a) The recognized faculty organization shall appoint two members and an alternate; each such person shall serve a two-year term, one beginning and ending in even-numbered years and the other in odd-numbered years, which term shall automatically be extended until a successor is appointed.

(b) The president of the recognized student organization shall appoint one member and an alternate; each such person shall serve a one-year term, which shall automatically be extended until a successor is appointed.

(c) The college president shall appoint one member and an alternate from the college administration, neither of them being the vice president for marketing and student development, who shall serve at the pleasure of the president.

(d) The chairperson of the board shall be a college dean not previously involved in the case, as designated by the vice president for marketing and student development.

#### SECTION IV DISCIPLINE/GRIEVANCE ADJUDICATIONS

##### NEW SECTION

**WAC 132J-125-260 Discipline and grievance—Type of adjudicative proceeding.** (1) A student may appeal a disciplinary action or continue an academic grievance by filing a written application for an adjudicative proceeding with the vice president for marketing and student development as specified in WAC 132J-125-165 or 132J-125-240. The application may, but need not, be on a form provided under WAC 132J-108-040.

(2) The vice president for marketing and student development or designee shall determine, after promptly meeting or attempting to meet with the student, (a) whether the disciplinary board or the academic board should hear the appeal and (b) whether the matter will be heard as a regular adjudicative proceeding or a brief adjudicative proceeding.

(3) In an academic grievance case or a case where the student is appealing disciplinary dismissal from the college, the student shall be entitled to a regular adjudicative proceeding under WAC 132J-125-280 if he/she files a proper written application for such a proceeding.

(4) In any other case, the matter shall be handled as a brief adjudicative proceeding under WAC 132J-125-290.

##### NEW SECTION

**WAC 132J-125-270 Discipline and grievance—Proceedings generally.** In both adjudicative proceedings and brief adjudicative proceedings:

(1) The matter shall be heard by the presiding officer de novo.

(2) No person may serve as a presiding officer or board member in a particular case if he/she has direct and significant personal knowledge of the relevant facts. Disqualification and replacement of a board member, for a particular case only, shall be as provided in RCW 34.05.425, with substitution of that member's alternate.

(3) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and shall not preclude the presiding officer from making a decision. This shall not in any way limit the possibility of a default under RCW 34.05.440.

(4) The vice president for marketing and student development may designate a representative on behalf of the disciplinary action or faculty member. No attorney representative of any party may participate in a hearing unless he/she has filed and served a notice of appearance at least five days before the hearing, but in the event of such notice any other party may also have counsel.

(5) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.

(6) The presiding officer and, subsequently, a reviewing officer may affirm, modify, or reverse any previous decision or action in the matter, and a reviewing officer may remand, in accordance with RCW 34.05.464 or RCW 34.05.491 as applicable.

##### NEW SECTION

**WAC 132J-125-280 Discipline and grievance—Regular adjudicative proceedings.** In a regular adjudicative proceeding:

(1) RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132J-108 WAC shall govern, unless otherwise provided in these rules. For purposes of RCW 34.05.425 and WAC 132J-108-020, the college board of trustees and college president designate the appropriate hearing board (disciplinary or academic) as presiding officer and designate that board's chairperson to make procedural decisions.

(2) The presiding officer shall designate a non-voting record-keeping clerk and may designate additional non-voting staff as appropriate. Hearings shall be recorded, in accordance with WAC 10-08-170.

(3) The presiding officer may conduct prehearing conference(s) in accordance with RCW 34.05.431 and WAC 10-08-130.

(4) The presiding officer may permit or conduct discovery as provided in RCW 34.05.446, WAC 10-08-120, and WAC 132J-108-060.

(5) The presiding officer(s) shall give not less than seven days advance written notice of a hearing to all parties and intervenors, except where such notice is waived, in accordance with RCW 34.05.434, WAC 10-08-040 or other applicable law.

(6) Four board members shall constitute a quorum and decisions shall require three or more votes.

(7) Hearings shall be conducted in accordance with chapter 34.05 RCW and chapters 10-08 and 132J-108 WAC.

(8) In a disciplinary proceeding, the burden of proof shall be on the party seeking to uphold the discipline to establish good cause by a preponderance of the evidence. In a grievance proceeding, the burden of proof shall be on the student to establish his/her claim by a preponderance of the evidence.

(9) Within the ninety days specified in RCW 34.05.461, and preferably within thirty days, the presiding officer shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in the following subparagraph.

(10) The initial order shall become the final order, without further action, unless within twenty days of service of the initial order (a) the president or president's designee, upon his/her own motion, determines that the initial order should be reviewed or (b) a party to the proceedings files with the president a written petition for administrative review of the initial order. RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

NEW SECTION

**WAC 132J-125-290 Discipline and grievance—Brief adjudicative proceedings.** In a brief adjudicative proceeding: (1) RCW 34.04.485 through 34.05.494 and WAC 10-08-080 shall govern, unless otherwise provided in these rules. For purposes of RCW 34.05.485 and WAC 132J-108-020, the college board of trustees and college president designate the chairperson of the appropriate hearing board (disciplinary or academic) as the sole presiding officer of a brief adjudicative proceeding.

(2) The presiding officer shall serve on the parties and the president an initial order, a brief written statement of the reasons for the decision, within ten days, in accordance with RCW 34.05.485. That statement shall describe the available administrative review procedures specified in the following subparagraph.

(3) Within twenty-one days after service of the initial order, (a) either party may make a written or oral request for administrative review by the president or (b) the president or president's designee may review the matter on his/her own motion. Any such review shall be governed by RCW 34.05.491. If no such review is taken, the initial order shall be the final order.

**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 132J-125-300 Summary suspension or removal.** (1) A student who significantly disrupts any college class, function, or hearing and makes it unreasonably difficult to conduct the class, function, or hearing in an orderly manner shall be subject to summary suspension or removal. This summary action may be in addition to any other disciplinary action for the same misconduct.

(2) A faculty member, vice president other than the vice president for marketing and student development, dean, the coordinator or director of student activities, or designee of any of them, who has observed or otherwise has knowledge about such a disruption, may summarily suspend a student and/or order removal of the student from all or part of the college facilities for a period of up to five academic days. The student ordinarily should, but need not be, warned that such action is possible and given a chance to correct the offensive behavior before summary action is taken.

(3) The student shall be notified, verbally and/or by a writing mailed by first class mail to the student's last known address or hand-delivered, of the summary action taken and the time period during which it is effective. The suspension or removal may begin immediately and may be renewed for an additional five day period.

(4) Upon the student's written request, made within five days of the earlier of mailing or personal receipt of notice of the summary action, the suspension or removal shall be reviewed by the vice president for marketing and student development. After such review, the vice president shall issue a written decision continuing, modifying or rescinding the summary action and/or taking any further disciplinary action that he/she deems appropriate.

(5) A student may appeal a summary suspension or removal like any other disciplinary action, by filing an application for an adjudicative proceeding under WAC 132J-125-260. The presiding officer may consolidate this appeal with any related pending matter.

NEW SECTION

**WAC 132J-125-310 Record-keeping.** (1) The vice president for marketing and student development shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) the complete records, including all orders, in all other cases where adjudication has been requested;

(c) a list or other summary of all disciplinary actions reported or known to the vice president and not appealed.

(2) Final disciplinary actions shall be entered on student records, provided that the vice president for marketing and student development shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

**AMENDMENTS**

AMENDATORY SECTION (Amending WAC 132J-108-020 filed in 90-22-067 Register, filed 11/5/90, effective 12/6/90)

**WAC 132J-108-020 Appointment of presiding officers.** The ~~((president or president's designee shall designate a))~~ presiding officer for an adjudicative proceeding ~~(-)~~ shall be designated by rule or, in the absence of an applicable rule or effective designation, appointed by the president or president's designee. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

AMENDATORY SECTION (Amending 132J-108-050 filed in 90-22-067 Register 11/5/90, effective 12/6/90)

**WAC 132J-108-050 Brief adjudicative procedures.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

(2) Challenges to contents of education records;

(3) Student conduct proceedings ~~(-)~~, except as otherwise provided in another rule;

(4) Parking violations;

(5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution sponsored athletic events;

(7) Refund of tuition and special fees under WAC 132J-160-010 through 132J-160-050.

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.

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 132J-120 WAC [Student Body Rights and Responsibilities]

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

**WSR 93-05-007**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed February 5, 1993, 10:35 a.m.]

Date of Adoption: January 22, 1993.

Purpose: To amend the rules governing the issuance of the instructional specialist certificate.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-79-236.

Statutory Authority for Adoption: RCW 28A.410.010.  
Pursuant to notice filed as WSR 92-24-070 on December 1, 1992.

Effective Date of Rule: Thirty-one days after filing.  
February 4, 1993  
Dr. Monica Schmidt  
Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 91-05-056, filed 2/15/91, effective 3/18/91)

**WAC 180-79-236 Instructional specialist certificate.**  
In order to provide opportunities for persons of unusual distinction or exceptional talent to teach in Washington, the state board of education establishes the instructional specialist certificate that shall be issued under the specific circumstances set forth below:

Instructional specialist certificate.

(1) Such certificates are issued upon application by the local school district or educational service district superintendents for a limited assignment and responsibility in a specified activity/field to persons:

(a) Who have unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and or awards;

(b) Whose records of accomplishments or awards are documented by the local school district or educational service district superintendent who has requested such a certificate;

(c) Who meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2).

(2) Individuals who meet the following conditions may apply directly to the state board of education:

(a) They intend to teach in more than one school district on an occasional or part-time basis;

(b) They provide documentation that there is widespread recognition at the state and or national level of their unusual distinction or exceptional talent; and

(c) They meet the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2).

(3) Such certification applications will be reviewed by the office of the superintendent of public instruction and approved by the state board of education before issuance of the certificate.

~~((3) When requesting the instructional specialist certificate for persons of unusual distinction or exceptional talent;))~~ (4) The hiring school districts or educational service district superintendent will ((verify that the following criteria will be met)) establish the following conditions for employment:

(a) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district mentor and will not be serving in a paraprofessional role which would not require certification;

(b) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to teaching the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(c) Within the first sixty working days of employment, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of ~~((course work))~~ study in pedagogy and/or child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district.

~~((4))~~ (5) The certificate is valid for two years or less and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter ((upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district)) only upon application to and approval by the state board of education. Such application shall include recommendations from all employing school districts, describing the extent to which the person was successful in his or her teaching assignment.

**WSR 93-05-009**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
(Professional Licensing Services)  
[Filed February 5, 1993, 2:40 p.m.]

Date of Adoption: February 5, 1993.



Purpose: To increase fees the notary may charge the public; to edit repetitious listings of the agency address; and to clarify and update various sections.

Statutory Authority for Adoption: RCW 42.44.190.

Pursuant to notice filed as WSR 92-19-126 on September 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: Delete new sections WAC 308-30-110, 308-30-170, 308-30-180, and 308-30-190.

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

February 5, 1993

Jon M. Clark  
Acting Assistant Director

#### NEW SECTION

**WAC 308-30-005 Mailing address.** All correspondence is to be directed to the Department of Licensing, Professional Licensing Services, Notary Section, Post Office Box 9027 (in person 2424 Bristol Court) Olympia, Washington 98507-9027.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-010 Size and form of notary seal or stamp.** A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.

(2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by one and five-eighths inches long.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

(5) The use of the Washington state seal on the notary stamp or seal is prohibited.

(6) A vendor may not provide a notarial seal, or stamp, either inking or embossing, to a person claiming to be a notary, unless the person presents a photo copy of the person's Notary Certificate.

(7) A notary applying for a seal or stamp as a result of a name change shall present a copy to the vendor of the certificate evidencing the notary's name change from the director.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-020 Maximum fees that may be charged by notaries public.** A notary public need not charge fees for notarial services. When fees are charged, notaries shall display in a prominent place, at the place of business, to the public, an English language schedule of fees for notarial acts. No part of the displayed notarial fee schedule may be printed in smaller than 10 pt. type. The following are the maximum fees that may be charged by notaries public for the following services:

(1) Witnessing or attesting a signature with or without seal or stamp, ~~((three))~~ five dollars.

(2) Taking acknowledgment, or verification upon oath or affirmation, ~~((one or two persons, with or without seal or stamp, three dollars))~~ five dollars for the first two persons and five dollars for each additional person.

~~(3) ((Taking acknowledgment, or verification upon oath or affirmation, each person over two, two dollars.~~

~~(4))~~ Certifying or attesting a copy, with or without seal or stamp, ~~((three))~~ five dollars.

~~((5))~~ (4) Receiving or noting a protest of a negotiable instrument, ~~((two))~~ five dollars.

~~((6))~~ (5) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, ~~((two))~~ five dollars.

~~((7))~~ (6) For copying any instrument or record, per ~~((folio))~~ page, besides certificate and seal or stamp, ~~((two))~~ one dollar ~~((s))~~ for the first page and twenty-five cents for each remaining page.

~~((8))~~ (7) Administering an oath or affirmation, ~~((two))~~ five dollars.

~~((9))~~ (8) Certifying that an event has occurred or an act has been performed, ~~((three))~~ five dollars.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-030 Applications for appointment as notary public.** Applications for appointment as notary public may be obtained from the department of licensing ~~((Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, WA 98504))~~. Every application submitted for appointment as a notary public ~~((shall))~~ must be accompanied by ~~((a fee of fifteen dollars))~~ the required surety bond and the prescribed fee and shall in all ways comply with the requirements of ~~((section 2, chapter 156, Laws of 1985))~~ chapter 42.44 RCW.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-040 Resignation or revocation of notary appointment.** Voluntary resignation by a notary public shall be submitted in writing to the department of licensing ~~((Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504))~~. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the department of licensing ~~((Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504))~~. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the ~~((above address))~~ notary section.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-050 Replacement of lost or stolen notary seals or stamps.** When a notary seal or stamp is lost or stolen the department of licensing ~~((Professional Licensing Division))~~ is to be notified by ~~((a written statement, signed by the notary public, setting))~~ certified mail. The



notice must set forth the fact that the notary seal or stamp has been lost or stolen and be signed by the notary public. The notary public may then obtain a replacement notary seal or stamp. The new notary seal or stamp must contain some variance from the original seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained ~~((, either))~~ the original ~~((or the replacement))~~ seal or stamp shall be surrendered to the department of licensing ~~((, professional licensing division)).~~

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-060 Department to be notified of change of name or address.** When a notary public changes his or her name or address, the department of licensing ~~((, professional licensing division, is to))~~ must be notified in writing of such name and/or address change. The notification of name change ~~((shall))~~ must be accompanied by a ~~((five dollar fee))~~ bond rider from the bonding company amending the notary bond, and the prescribed fee for a name change which ~~((shall include the cost of issuance of))~~ provides a duplicate notary certificate showing the new name. There ~~((are))~~ is no charge ~~((s))~~ for an address change(s).

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-070 Requests for evidence of authenticity.** Requests for evidences of authenticity of notarial commission must be in writing, accompanied by ~~((a five dollar))~~ the prescribed fee, the original document, and mailed to the department of licensing ~~((, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504)).~~

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-080 Appeals of denials and revocations of notary appointments.** Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the department of licensing ~~((, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504)).~~ The written notification of appeal must be received by the ~~((above address))~~ department within twenty days of the date of denial or revocation ~~((of the notary appointment))~~ or the right to appeal is ~~((deemed))~~ waived. When the notification of appeal is mailed, the postmarked date will be ~~((deemed))~~ accepted as the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW, and rules adopted thereunder.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

**WAC 308-30-090 Forms.** (1) The forms in ~~((section 10, chapter 156, Laws of 1985))~~ RCW 42.44.100 are only suggested ~~((forms))~~ certificates with the sufficient information included. These forms may be used; however, when a

specific form is required by a specific statute, the required form shall be used.

(2) A nonattorney notary may complete notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field.

#### NEW SECTION

**WAC 308-30-120 Notary signature.** Upon completion of a notarial act, the notary must sign the notary certification using his/her name exactly as it appears on the notary certificate of appointment and the stamp or seal. The notary's name must be legibly printed or stamped directly below their signature.

#### NEW SECTION

**WAC 308-30-130 Expired stamp or seal.** The use of a stamp or seal with an expired date is prohibited.

#### NEW SECTION

**WAC 308-30-140 Notification of legal actions.** The notary must notify the department of licensing of any conviction against him or her of official misconduct, and/or civil or criminal charges. Notification must be submitted within thirty days of such happening.

#### NEW SECTION

**WAC 308-30-150 Continuous qualification required.** A notary public must continue to meet the requirements of RCW 42.44.020 (1)(b) or (c) throughout the term of appointment. A notary who fails to meet any one or more of the aforementioned requirements shall resign, or the director shall institute hearings to determine if the requirements have been met by the notary.

#### NEW SECTION

**WAC 308-30-155 Satisfactory evidence of identity.** Satisfactory evidence of an individual identity shall be based on one of the following:

(1) Current documents issued by a federal or state government with the individual's photograph, signature, and physical description.

(2) The oath or affirmation of a credible person who personally knows the individual.

#### NEW SECTION

**WAC 308-30-160 Testimonials.** A notary may not endorse or promote any service, contest, or other offering if the notary's seal or title is used in the endorsement or promotional statement.

**WSR 93-05-018**  
**PERMANENT RULES**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed February 10, 1993, 2:10 p.m.]

Date of Adoption: December 17, 1992.

Purpose: Adoption of a basic set of rules as required for a technical college.

Statutory Authority for Adoption: RCW 28B.10.140, 42.30.075, and chapter 34.05 RCW.

Pursuant to notice filed as WSR 92-21-074 on October 21, 074 [October 20, 1992].

Changes Other than Editing from Proposed to Adopted Version: Added words "and the American Disabilities Act" in WAC 495B-310-010.

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

February 5, 1993

Dennis A. Kole

Assistant Attorney General

**Chapter 495B-104 WAC**  
**BOARD OF TRUSTEES**

NEW SECTION

**WAC 495B-104-010 Time and place of board meetings.** The board of trustees shall hold one regular meeting on the third Thursday of each month at 9:00 a.m. and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at Bellingham Technical College, Building G, 3028 Lindbergh Avenue, Bellingham, WA 98225, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

NEW SECTION

**WAC 495B-104-020 Request for items to be placed on board agenda.** Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the president no later than twelve o'clock noon five business days before the next scheduled meeting of the board. The president will relate the request to the chairman of the board as soon as feasible. The chairman will determine whether the item is to be placed on the agenda. The chairman or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

NEW SECTION

**WAC 495B-104-030 Delegation to college president.** The board of trustees delegates to the college president its authority and responsibility to administer Bellingham Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

**Chapter 495B-108 WAC**  
**PRACTICE AND PROCEDURE**

NEW SECTION

**WAC 495B-108-010 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

NEW SECTION

**WAC 495B-108-020 Appointment of presiding officers.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

**WAC 495B-108-030 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

**WAC 495B-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3028 Lindbergh Avenue, Bellingham, WA 98225.

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

**WAC 495B-108-050 Brief adjudicative procedures.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored events.

NEW SECTION

**WAC 495B-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

**WAC 495B-108-070 Procedure for closing parts of the hearings.** Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty days of receiving the request.

NEW SECTION

**WAC 495B-108-080 Recording devices.** No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495B-108-070, except for the method of official recording selected by the college.

**Chapter 495B-116 WAC  
PARKING AND TRAFFIC**

NEW SECTION

**WAC 495B-116-010 Purpose for adopting parking and traffic rules.** Under the authority granted RCW 28B.50.140(10), the board of trustees of Bellingham Technical College is granted authority to adopt rules for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these rules are to:

- (1) Protect and control pedestrian and vehicular traffic;
- (2) Assure access at all times for emergency traffic;
- (3) Minimize traffic disturbances during class hours;
- (4) Facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
- (5) Regulate the use of parking spaces;
- (6) Protect state-owned property.

NEW SECTION

**WAC 495B-116-020 Applicable parking and traffic rules.** (1) All rules in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Bellingham applies upon all lands located within the city of Bellingham.

NEW SECTION

**WAC 495B-116-030 Definitions.** The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "Campus" means all lands and buildings devoted to, operated by, or maintained by Bellingham Technical College.

(3) "Campus security officer" means an employee of the college who is responsible to the chief business officer.

(4) "College" means Bellingham Technical College.

(5) "Safety and security supervisor" means the college's safety and security supervisor.

(6) "Employee" means an individual appointed to the faculty, staff, or administration of the college.

(7) "Guests or visitors" mean persons who come upon the campus as guests or persons who lawfully visit the campus.

(8) "Continuing permits" mean permits issued to full-time employees for an indefinite period of time.

(9) "Annual permits" mean permits that are valid from the date of issue until the first day of the following fall quarter.

(10) "Temporary permits" mean permits that are valid for a specific period designated on the permit.

(11) "Vehicle" means an automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered.

(12) "Full-time student" means a person who is enrolled on campus for six hours per day or more at the college.

(13) "Part-time student" means a person who is enrolled on campus for less than six hours per day at the college.

NEW SECTION

**WAC 495B-116-040 Authorization for issuance of permits.** (1) The safety and security supervisor or a designee may issue parking permits to students, employees, and guests upon the following conditions:

(a) When the vehicle is properly registered with the college;

(b) When a permanent or special parking permit is necessary to enhance the business or operation of the college.

(2) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee is permitted to park on campus at any one time.

NEW SECTION

**WAC 495B-116-050 Vehicle parking permits.** (1) All part-time and full-time employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for either day or night classes, in accordance with WAC 495B-116-040.

(2) All persons parking on the campus shall secure and display a currently valid parking permit within five days from their date of registration or from their first day of employment.

NEW SECTION

**WAC 495B-116-060 Visitor permits.** All guests or visitors (including salespersons and maintenance or service personnel) will park in appropriate parking areas after obtaining a temporary permit from the college information desk.

NEW SECTION

**WAC 495B-116-070 Responsibility of person to whom permit is issued.** The person to whom a parking permit is issued is responsible for all violations of rules involving the vehicle; however, that responsibility does not relieve the driver of the responsibility for violations of the rules established by this chapter. If a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus rules.

NEW SECTION

**WAC 495B-116-080 Display of permits.** The parking permit issued by the college must be visibly affixed on the rear window of the vehicle for which the permit is issued, on the lower left-hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window the permit must be affixed to the driver side rear bumper or driver side windshield lower corner. Motor-cycle permits must be affixed in a conspicuous place.

NEW SECTION

**WAC 495B-116-090 Transfer of permits.** Parking permits are not transferable. If a vehicle is sold or traded, the new vehicle must be registered with the parking supervisor and the permit will be reissued.

NEW SECTION

**WAC 495B-116-100 Permit revocation.** Permits are licenses and are the property of the college, and may be revoked for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists;
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person;
- (3) Falsification on a vehicle registration application;
- (4) Continued violations of parking and traffic rules;
- (5) Counterfeiting or altering of permits.

NEW SECTION

**WAC 495B-116-110 Right to refuse permit.** The college chief business officer or a designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

NEW SECTION

**WAC 495B-116-120 Appeal of permit revocation or refusal.** When a parking permit has been revoked under WAC 495B-116-100 or has been refused in accordance with WAC 495B-116-110 or when a fine or penalty has been levied against a violator of this chapter, that action by the

dean of administration or a designee may be appealed in accordance with WAC 495B-116-180.

NEW SECTION

**WAC 495B-116-130 Delegation of authority.** The authority and powers conferred upon the chief business officer by this chapter are subject to delegation to that individual's subordinates.

NEW SECTION

**WAC 495B-116-140 Enforcement.** (1) Parking and traffic rules will be enforced at all times.

(2) The chief business officer or a designee is responsible for the enforcement of this chapter.

NEW SECTION

**WAC 495B-116-150 Violation of parking and traffic rules.** (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of this chapter. All fines are payable at the cashier's office.

(2) In instances where violations are repeated, and in the judgment of the safety and security supervisor, with appropriate documented evidence, the vehicle may be impounded.

NEW SECTION

**WAC 495B-116-160 Issuance of traffic tickets or summons.** (1) The safety and security supervisor or a designee may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, permit number, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

NEW SECTION

**WAC 495B-116-170 Fines and penalties.** The safety and security supervisor or a designee may impose the following fines and penalties for violation of this chapter:

(1) The college shall establish a schedule of fines. The college shall publish the schedule in the college motor vehicle code and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (j) Parking in a fire lane (may be towed if creating a safety hazard);

(k) Parking in a zone or area marked no parking;

(l) Other violations of college parking traffic rules.

(3) At the discretion of the chief business officer or a designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five days, the chief business officer or a designee may initiate the following actions:

(a) The student may not be able to obtain a transcript of credits until all fines are paid;

(b) The student may not receive a degree or certificate until all fines are paid;

(c) The student will not be able to register for subsequent quarters until all fines are paid;

(d) The student may be denied any further parking permits until all fines are paid.

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the safety and security supervisor or a designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495B-116-180.

#### NEW SECTION

**WAC 495B-116-180 Appeal of citations and penalties.** (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the chief business officer within five days from the date of citation (or the right to appeal is waived).

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he or she has five additional days from the receipt of the decision of the chief business officer to appeal to the parking advisory committee.

#### NEW SECTION

**WAC 495B-116-190 Parking advisory committee.**

(1) The parking advisory committee shall consist of two student representatives, one faculty representative, one classified representative, one administrator, and the chief business officer or designee as a nonvoting member.

(2) The committee is responsible for the following:

(a) Annually reviewing and recommending necessary changes to the college parking and traffic rules;

(b) Receiving and hearing appeals related to parking and traffic violations. All decisions made by the parking advisory committee relative to parking or traffic appeals are final.

#### NEW SECTION

**WAC 495B-116-200 Disclaimer of liability by college.** The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase of a parking permit.

#### NEW SECTION

**WAC 495B-116-210 Designation of parking.** The parking spaces available on campus may be allocated and designated by the chief business officer or a designee in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. The safety and security supervisor shall issue permits for temporarily handicapped persons. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle.

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits, for a maximum time period of thirty minutes. A temporary permit is not required. Visitors requiring parking for longer than thirty minutes may obtain a temporary permit at the college information desk, and will park in normal undesignated spaces.

(3) The chief business officer or a designee may designate parking spaces for special purposes as deemed necessary.

#### NEW SECTION

**WAC 495B-116-220 Parking within designated spaces.** (1) No vehicle may be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle may be parked so as to occupy any portion of more than one parking space or stall.

#### NEW SECTION

**WAC 495B-116-230 Regulatory signs, markings, barricades, etc.** The chief business officer or a designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings, and directions for the control and regulation of traffic and parking.

#### NEW SECTION

**WAC 495B-116-240 Speed limit.** No vehicle may be operated on the campus at a speed in excess of ten miles per hour, or such slower speed as is reasonable and prudent under the circumstances.

NEW SECTION

**WAC 495B-116-250 Pedestrian right of way.** (1) The operator of a vehicle shall yield the right of way to any pedestrian. A pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

NEW SECTION

**WAC 495B-116-260 Two-wheeled motorcycles or bicycles.** (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles must be parked in bicycle racks where provided. No person may park a bicycle inside a building, by a doorway, on a path, sidewalk, or walkway, or in such a manner as to block or obstruct the normal flow of pedestrian traffic. Bicycles and other nonengine powered cycles parked in violation of this section may be impounded at the owner's risk and expense.

NEW SECTION

**WAC 495B-116-270 Report of accidents.** (1) The operator of a vehicle involved in an accident on campus resulting in injury or death of a person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report the accident to the college information desk. Accidents occurring after the close of business must be reported the next working day. Within twenty-four hours after the accident, the operator shall file a state of Washington motor vehicle report.

(2) Other minor accidents may be reported to the college information desk for insurance record purposes.

NEW SECTION

**WAC 495B-116-280 Disabled or inoperative vehicles—Impounding.** (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the chief business officer or a designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner at least forty-eight hours before it will be impounded.

**Chapter 495B-120 WAC  
STUDENT CONDUCT CODE**

NEW SECTION

**WAC 495B-120-010 Definitions.** The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "College" means Bellingham Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the hearing committee as denominated in WAC 495B-120-170, the dean of student services, the vice-president for instruction, and the president.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means the warning, probation, expulsion, suspension, or reprimand of a student under WAC 495B-120-120 for the violation of a rule adopted in this chapter.

NEW SECTION

**WAC 495B-120-020 Statement of purpose.** (1) Bellingham Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

NEW SECTION

**WAC 495B-120-030 Jurisdiction.** All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

NEW SECTION

**WAC 495B-120-040 Student misconduct.** Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all buildings and other areas so posted by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) Willful failure or demonstrated inability to comply with school standards regarding academic progress and attendance as set forth in the application for enrollment;

(7) The intentional making of false statements or filing of false charges against the college and members of the college community;

(8) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(9) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(10) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(11) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property;

(12) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

#### NEW SECTION

**WAC 495B-120-045 Loss of eligibility—College-sponsored activities.** Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any college-sponsored events or activities.

#### NEW SECTION

**WAC 495B-120-050 Civil disturbances.** In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and referred to the authorities for prosecution.

#### NEW SECTION

##### **WAC 495B-120-060 Free movement on campus.**

The president is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the dean of student services or any other person he may designate.

#### NEW SECTION

##### **WAC 495B-120-070 Right to demand identification.**

For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college.

#### NEW SECTION

**WAC 495B-120-080 Academic dishonesty/classroom conduct.** (1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that; a student shall have the right to appeal such disciplinary action to the dean of student affairs.

#### NEW SECTION

**WAC 495B-120-090 Campus speakers.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

#### NEW SECTION

**WAC 495B-120-100 Distribution of information.** (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student or students, or by members of recognized student organizations at locations specifically designated by the vice-president of instruction; provided such distribution does not interfere with the ingress or egress of persons or interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the vice-president of instruction prior to the distribution of any handbill, leaflet,

newspaper or related matter. Such distribution must not interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

#### NEW SECTION

**WAC 495B-120-110 Commercial activities.** (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the student association if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495B-120-100.

#### NEW SECTION

**WAC 495B-120-120 Disciplinary process.** (1) Any infractions of college rules may be referred by any college faculty or staff member to the dean of student services or in his or her absence the vice-president for instruction. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in WAC 495B-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the student disciplinary committee.

(3) If a referral or an appeal is made to the student disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college.

(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student disciplinary committee. The decision of the president is final.

#### NEW SECTION

**WAC 495B-120-130 Disciplinary terms.** The definitions set forth in this section apply throughout WAC 495B-120-135 through 495B-120-200.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are



made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

#### NEW SECTION

**WAC 495B-120-135 Refunds and access.** (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other district facility.

#### NEW SECTION

**WAC 495B-120-140 Readmission after suspension or expulsion.** Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the dean of student services. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

#### NEW SECTION

**WAC 495B-120-150 Reestablishment of academic standing.** Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495B-120-120 and 495B-120-130 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

#### NEW SECTION

**WAC 495B-120-160 Disciplinary authority of the dean of student services and vice-president for instruction.** (1) The dean of student services or, in his or her absence, the vice-president for instruction of the college, is responsible for initiating disciplinary proceedings for infractions of rules. The dean of student services or, in his or her absence, the vice-president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the several sanctions that may be involved for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the dean of student services, or in his or her absence, the vice-president for instruction, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(d) Refer the matter to the student disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official, as set forth in subsection (1) of this section, from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. The student will also be given an opportunity to invoke the formal hearing process set forth in this chapter.

#### NEW SECTION

**WAC 495B-120-170 Student disciplinary committee.**

(1) The student disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by students. The committee will be composed of the following persons:

(a) An administrator appointed by the president of the college or a designee;

(b) Two members of the faculty, appointed by the college president or a designee;

(c) Two representatives from the student council, appointed by the college president or a designee;

(d) A counselor appointed by the college president or a designee.

(2) None of the above-named persons shall sit on any case in which he or she is a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the college president or a designee. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) The committee may decide that the student involved:

(a) Be given a disciplinary warning;

(b) Be given a reprimand;

(c) Be placed on disciplinary probation;

(d) Be given a suspension;

(e) Be expelled;

(f) Be exonerated with all proceedings terminated and with no sanctions imposed;

(g) Be disqualified from participation in any school-sponsored activities.

#### NEW SECTION

**WAC 495B-120-180 Procedural guidelines.** (1) The student, if he or she wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student or his or her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The rules of evidence need not be applied at this hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the committee may exclude such persons from the hearing room.

(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the committee. The student will also be advised of his or her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.

(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with these procedural guidelines.

(12) The president of the college or a designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He or she shall then notify the official who initiated the proceedings, the student and the committee chairperson.

#### NEW SECTION

**WAC 495B-120-190 Appeals.** Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the dean of student services within ten calendar days of the college's giving of the notice of the disciplinary action. Notice to the student of the disciplinary action shall be deemed complete when the final, written decision is either personally served, or is posted by either certified or registered mail to the address of record as maintained in the enrollment office.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to and, if appealed, shall be reviewed by, the dean of student services, or in his or her absence, the vice-president for instruction.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to and, if appealed, shall be reviewed by the student disciplinary committee.

(3) Disciplinary action by the student disciplinary committee may be appealed to and, if appealed, shall be reviewed by the college president or a designee.

(4) Disciplinary action by the president or designee shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The decision of the president or his or her designee shall be final.

#### NEW SECTION

**WAC 495B-120-200 Reporting, recording and maintaining records.** Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as is reasonably possible, for five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

#### **Chapter 495B-122 WAC WITHHOLDING SERVICES FOR OUTSTANDING DEBTS**

#### NEW SECTION

**WAC 495B-122-010 Policy.** If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

#### NEW SECTION

**WAC 495B-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

#### NEW SECTION

**WAC 495B-122-030 Procedure for brief adjudicative proceeding.** Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing.

After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

#### **Chapter 495B-130 WAC TUITION AND FEE SCHEDULES**

#### NEW SECTION

**WAC 495B-130-010 Location of schedules.** Detailed information and specific amounts to be charged for each category of students will be found in the college catalog and in the following locations on the Bellingham Technical College campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The business office;
- (4) Student services office;
- (5) Financial aid office.

#### **Chapter 495B-131 WAC SCHOLARSHIPS**

#### NEW SECTION

**WAC 495B-131-010 Scholarships.** Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Bellingham Technical College is located in the financial aid office on the Bellingham Technical College campus.

#### **Chapter 495B-132 WAC FINANCIAL AID**

#### NEW SECTION

**WAC 495B-132-010 Financial aid.** Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid  
Bellingham Technical College  
3028 Lindbergh Avenue  
Bellingham, WA 98225

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

#### **Chapter 495B-133 WAC ORGANIZATION**

#### NEW SECTION

**WAC 495B-133-020 Organization—Operation—Information.** (1) Organization. Bellingham Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive

officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Bellingham Technical College  
3028 Lindbergh Avenue  
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Commercial Fishing  
Harbor Mall No. 17  
Bellingham, WA 98225

Fisheries Technology  
1800 C Street  
Bellingham, WA 98225

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

Bellingham Technical College  
3028 Lindbergh Avenue  
Bellingham, WA 98225

#### **Chapter 495B-134 WAC DESIGNATION OF RULES COORDINATOR**

##### NEW SECTION

**WAC 495B-134-010 Rules coordinator.** The rules coordinator for Bellingham Technical College as designated by the president is the administrative assistant to the president.

#### **Chapter 495B-140 WAC USE OF COLLEGE FACILITIES**

##### NEW SECTION

**WAC 495B-140-010 Use of college facilities.** Bellingham Technical College serves Whatcom County by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

##### NEW SECTION

**WAC 495B-140-020 Limitation of use to college activities.** (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own teaching, research, or public service programs. In particular, college buildings, properties, and

facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching, research, or public service activities of the college and its departments;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

##### NEW SECTION

**WAC 495B-140-030 Statement of intentions.** The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

NEW SECTION**WAC 495B-140-040 General policies limiting use.**

(1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(8) No person or group may use or enter onto college facilities having in their possession firearms or weapons, except as prescribed by law.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unrea-

sonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

NEW SECTION

**WAC 495B-140-050 Administrative control.** The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

NEW SECTION

**WAC 495B-140-060 Trespass.** (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

NEW SECTION

**WAC 495B-140-070 Prohibited conduct at college facilities.** (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

NEW SECTION

**WAC 495B-140-080 Control of pets in college facilities.** Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired.

NEW SECTION

**WAC 495B-140-090 Basis of fee assessment.** (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the business office.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

#### NEW SECTION

**WAC 495B-140-100 Application procedures.** (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of continuing education. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization. If the organization fails to pay the amount due, the signatory becomes responsible for all charges, which may include interest payment for overdue accounts, as specified on the rental form but not less than one percent per month.

(3) For large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The president and the board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Bellingham Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Bellingham Technical College board of trustees.

#### NEW SECTION

**WAC 495B-140-110 Supervision during activity.** (1) Signatories of the rental agreement, as well as adult organization leaders, are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require that a staff member represent the college at any activity on college facilities. Such service shall be paid at the current

rate by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff, or some other authority of the college, will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

### **Chapter 495B-168 WAC USE OF LIBRARY—FINES**

#### NEW SECTION

**WAC 495B-168-010 Title.** WAC 495B-168-010 through 495B-168-060 will be known as the library-media center code of Bellingham Technical College.

#### NEW SECTION

**WAC 495B-168-020 Loans.** Materials from the college library-media center are checked out only to the following groups.

- (1) All currently registered students of the college;
- (2) All current faculty and administrative staff members;
- (3) All persons currently employed in classified staff positions;

(4) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;

(5) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Bellingham Technical College students.

#### NEW SECTION

**WAC 495B-168-030 Fines.** In cases where damage or loss of library material occurs, the patron will be assessed the replacement cost. In other instances where library-media materials are retained by the borrower beyond the designated due date, fines will be levied as a sanction to effect the prompt return of items which may be in demand by others. When materials are not returned, or fines not paid, holds are placed on the transcript records of those involved. In extreme cases, when expensive or valuable items are involved, the provisions of RCW 27.12.340 may be invoked.

#### NEW SECTION

**WAC 495B-168-040 Student handbook.** Detailed information governing the operation of the library-media center and the rules for loaning books, other print materials and nonprint materials is included in the student handbook of Bellingham Technical College.

NEW SECTION

**WAC 495B-168-050 Inspection.** The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the building to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

NEW SECTION

**WAC 495B-168-060 Prohibited entry.** The library shall have the right to prevent entry of foods and beverages, animals or other things detrimental to the library purpose.

**Chapter 495B-276 WAC  
ACCESS TO PUBLIC RECORDS**

NEW SECTION

**WAC 495B-276-010 Purpose.** The purpose of this chapter is to ensure that Bellingham Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

**WAC 495B-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Bellingham Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bellingham Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

**WAC 495B-276-030 Description of central and field organization of Technical College District No. 25.** (1) Bellingham Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Bellingham Technical College campus within the city of Bellingham, Washington. The Bellingham Technical College campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provid-

ed in WAC 495B-104-010. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Bellingham Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

**WAC 495B-276-040 Operations and procedures.** (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bellingham Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

**WAC 495B-276-050 Public records available.** All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

**WAC 495B-276-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

**WAC 495B-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.



NEW SECTION

**WAC 495B-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested;
- (f) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

NEW SECTION

**WAC 495B-276-090 Copying.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

**WAC 495B-276-100 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495B-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: *Provided, however,* In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

**WAC 495B-276-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

**WAC 495B-276-120 Protection of public records.** Requests for public records shall be made at the administrative office of the district in Bellingham, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495B-276-090.

NEW SECTION

**WAC 495B-276-130 Records index.** (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:



(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

**WAC 495B-276-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO  
BELLINGHAM TECHNICAL COLLEGE

- (a) .....  
Name (please print) Signature  
.....  
Name or Organization, if applicable  
.....  
Mailing Address of Applicant Phone Number
- (b) .....  
Date Request Made Time of Day  
Request Made
- (c) Nature of Request .....
- (d) Identification Reference on Current Index (Please describe)  
.....  
.....  
.....

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Bellingham Technical College Index  
.....  
.....  
.....

(f) I hereby certify under penalty of perjury under the laws of the state of Washington that these requested records shall not be used to compile a commercial sales list.

DATED this . . . . day of . . . . ., 1992 at . . . . , Washing-  
ton.

Request: APPROVED . . . . DENIED . . . . Date . . . . .

By .....  
Name Title

Reasons for Denial: .....

Referred to ..... Date .....

By .....  
Name Title

**Chapter 495B-280 WAC  
FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
ACT**

NEW SECTION

**WAC 495B-280-010 General policy.** Bellingham Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99). Briefly, Bellingham Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

NEW SECTION

**WAC 495B-280-015 Definitions.** For the purposes of this policy, the following definitions of terms apply:

(1) "Student" means any individual who is or has been in attendance at Bellingham Technical College and for whom the college maintains education records.

(2) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Bellingham Technical College which contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree or certificate that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government that is maintained by the student programs office.

(3) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, dates of attendance, honor roll, degrees, certificates, and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495B-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

(a) Signed by the student, or the legal custodian of the student if the student is a minor;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: the name of the student, the student's parent(s), or other family members; a personal identifier such as the student's social security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

#### NEW SECTION

##### **WAC 495B-280-020 Annual notification of rights.**

Bellingham Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and to new students during the registration process. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

#### NEW SECTION

**WAC 495B-280-030 Procedure to inspect education records.** (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495B-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

#### NEW SECTION

##### **WAC 495B-280-040 Disclosure of education records.**

(1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated students of Bellingham Technical College or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) To parents of an eligible student who claim the student as a dependent for income tax purposes; and

(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

#### NEW SECTION

##### **WAC 495B-280-050 Limits on rights to review and inspect and obtain copies of education records.**

(1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Bellingham Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Bellingham Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Bellingham Technical College reserves the right to deny transcripts or copies of records not required to be made

available by the Federal Educational Rights and Privacy Act in any of the following situations:

- (a) The student has an unpaid financial obligation to the college;
- (b) There is an unresolved disciplinary action against the student.

#### NEW SECTION

**WAC 495B-280-060 Record of request and disclosures.** (1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495B-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

- (a) The names of parties who have received personally-identifiable information;
- (b) The interest the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

- (a) The student;
- (b) The college officials who are responsible for the custody of the records; and
- (c) Persons authorized to audit the record keeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student; or
- (d) A party seeking directory information.

#### NEW SECTION

**WAC 495B-280-070 Disclosure of directory information.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the registrar to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

#### NEW SECTION

**WAC 495B-280-080 Requests for corrections, hearings, adding statements to education records.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495B-280-110. The request must identify the part of the record he/she wants changed and specify why the record

is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the dean of student services within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The dean of student services shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the student services or other appropriate committee (the chair of the committee shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

(4) The student services or other appropriate committee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The rules of evidence need not be applied at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the student services or other appropriate committee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the student services or other appropriate committee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the committee will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

#### NEW SECTION

**WAC 495B-280-090 Fees for copies.** Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

#### NEW SECTION

**WAC 495B-280-100 Waiver.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in

effect according to its terms unless revoked in writing which is signed and dated.

**NEW SECTION**

**WAC 495B-280-110 Type and location of education records.**

Types	Location	Custodian
Admission Records, Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records	Admission Office	Registrar
Student Government Participation Records	Dean of Students	Faculty Advisor
Financial Aid Records, Student Employment Records	Financial Aid Office	Financial Aid Manager

**NEW SECTION**

**WAC 495B-280-120 Remedy for students protected by this act.** A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
 U.S. Department of Education  
 Washington, D.C. 20202

**Chapter 495B-300 WAC  
 GRIEVANCE RULES—TITLE IX**

**NEW SECTION**

**WAC 495B-300-010 Preamble.** Bellingham Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bellingham Technical College who believes she/he has been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

**NEW SECTION**

**WAC 495B-300-020 Informal procedure.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

**NEW SECTION**

**WAC 495B-300-030 Formal procedure.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

**NEW SECTION**

**WAC 495B-300-040 Other remedies.** These procedures outlined in WAC 495B-300-010 through 495B-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

PERMANENT

**Chapter 495B-310 WAC  
GRIEVANCE PROCEDURES—HANDICAPPED**

**NEW SECTION**

**WAC 495B-310-010 Preamble.** Bellingham Technical College is covered by section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education and the Americans with Disabilities Act of 1990. Any applicant for admission, enrolled student, applicant for employment or employee of Bellingham Technical College who believes she/he has been discriminated against on the basis of handicap may lodge an institutional grievance by following the procedures below.

**NEW SECTION**

**WAC 495B-310-020 Informal procedure.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or coordinator for disabled student services without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

**NEW SECTION**

**WAC 495B-310-030 Formal procedure.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators

or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

**NEW SECTION**

**WAC 495B-310-040 Other remedies.** These procedures, outlined in WAC 495B-310-010 through 495B-310-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

**Chapter 495B-325 WAC  
STATE ENVIRONMENTAL POLICY ACT RULES**

**NEW SECTION**

**WAC 495B-325-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of Bellingham Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

**WSR 93-05-020  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3512—Filed February 10, 1993, 2:21 p.m.]

Date of Adoption: February 10, 1993.

Purpose: Unless the section is addressed below, the purpose of the amendatory sections is to update and simplify the language, correct outdated citations, and to remove gender specific references. The amendments to WAC 388-11-210 are in response to recent federal regulations requiring specific data elements in support orders (45 CFR 303.100). The amendments to WAC 388-14-420 are proposed to comply with federal case closure regulations found at 45 CFR 303.11. The new section WAC 388-14-427 provides a mechanism for transmission of withholding actions via

electronic data transfer, between OSE and employers and benefit holders.

Citation of Existing Rules Affected by this Order:  
Amending chapters 388-11 and 388-14 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 303.11 and 45 CFR 303.100 (relating to WAC 388-14-420 and 388-11-210).

Pursuant to notice filed as WSR 93-01-085 on December 15, 1992.

Effective Date of Rule: Thirty-one days after filing,  
February 10, 1993  
David L. Henry  
for Rosemary Carr  
Acting Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

**WAC 388-11-010 Statutory basis.** RCW 74.20A.055 is the administrative process for establishing support obligations when there is no superior court order and the office of support enforcement has served a notice and finding of financial responsibility on the responsible parent. The department may only serve a notice and finding of financial responsibility ((may be served only)) on a responsible parent for a support debt or current support obligation established or to be established under RCW 74.20A.057, specifically including cases eligible for nonassistance support enforcement services under WAC ((388-14-302)) 388-14-300.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

**WAC 388-11-011 Definitions.** For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or by another state agency under a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. ((The)) Administrative ((order shall)) orders include:

(a) An agreed settlement or consent order entered under WAC 388-11-150; or

(b) A notice and finding of financial responsibility or a notice and finding of parental responsibility that has become final by operation of law.

(3) "Agreed settlement" means the informal disposition of a contested case by written agreement between a responsible parent and OSE establishing a support obligation and ordering payment. The agreement shall be effective without the presiding officer's approval.

(4) "Arrears," "delinquency," and "past support" means the amount owed for a period of time before the instant month.

(5) ((Assignment)) Assignment means, under RCW 74.20A.040, the assignment made by an applicant/custodian of support rights under WAC 388-14-310.

(6)) "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.

((7)) (6) "Consent order" means the disposition of a contested case by written agreed order between a responsible parent and OSE establishing a support obligation and ordering payment. The agreed order shall require the presiding officer's approval.

((8)) (7) "Current support" or "current and future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt. ((9)) Current and future support also means the prospective obligation to make monthly support payments.

(8) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date payment of an AFDC-R, AFDC-E, AFDC-FC, a state only foster care, or a family independence program grant is authorized. For purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever occurs later.

((10)) (9) "Department" means the Washington state department of social and health services.

((11)) (10) "Dependent child" means a person:

(a) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(b) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age or older; or

(c) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(i) A full-time student; and

(ii) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.

((12)) (11) "Fraud" means, for the purposes of WAC 388-11-115:

(a) The representation of the existence or nonexistence of a fact;

(b) ((Its)) The representation's materiality;

(c) ((Its)) The representation's falsity;

(d) The speaker's knowledge of ((its truth)) the falsity;

(e) ((His or her)) The speaker's intent that ((it) the representation should be acted on by the person to whom it is made;

(f) Ignorance of ((its)) the falsity on the part of the person to whom it is made;

(g) The latter's;

(i) Reliance on the truth of the representation;

((h) His or her)) (ii) Right to rely upon it; and

((i) His or her)) (iii) Subsequent damage.

~~((13))~~ (12) "Good cause for failure to make a timely request for an adjudicative proceeding" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

~~((14))~~ (13) "Health care costs," ~~((means))~~ for the purpose of:

(a) Establishing support obligations under RCW 74.20A.055 and 74.20A.056 means medical, dental, and optometrical costs and expenses; and

(b) Enforcement action under Titles 26.23, 74.20, and 74.20A RCW, including a notice of support owed and a notice of support debt, means medical, dental, optometrical costs stated as a fixed dollar amount by a support order.

~~((15))~~ (14) "Locate" means service of the notice and finding of financial responsibility or the notice and finding of parental responsibility in a manner prescribed by WAC 388-11-040.

~~((16))~~ (15) "Medical support" means health care costs ~~((incurred for))~~ stated as a fixed dollar amount in a support order and health insurance coverage for a dependent child's benefit.

~~((17))~~ (16) "Other ordinary expense" means an expense incurred by a responsible parent:

(a) Directly benefiting a dependent child; and

(b) Relating to the parent's residential time or visitation with a child.

~~((18))~~ (17) "Reasonable efforts to locate" means any of the following actions taken by the office of support enforcement (OSE):

(a) Mailing the notice and finding of financial responsibility or the notice and finding of parental responsibility by certified mail, return receipt requested, to the responsible parent;

(b) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;

(c) Tracing activity as follows:

(i) Checking local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities;

(ii) Contacting state agencies, union, financial, or fraternal organizations;

(iii) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;

(iv) Case maintenance in OSE's automated locate program.

(d) Referral to state or federal parent locator service;

(e) Referral to the attorney general, a prosecuting attorney, the IV-D agency of another state, or the Internal Revenue Service for specific legal or collection action; or

(f) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment.

~~((19))~~ (18) "Residential parent" means a parent with whom a child resides a majority of the time, or who is designated as or deemed to be the child's custodian under RCW 26.09.285.

~~((20))~~ (19) "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, from whom the department seeks support for a dependent child.

~~((21))~~ (20) "Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent child or children.

(a) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

(b) A rebuttable presumption of an in loco parentis relationship is created when the stepparent;

(i) Lives with the child and the parent; or

(ii) Provides care, support, or guidance for the child.

~~((22))~~ (21) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

~~((23))~~ (22) "State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.

~~((24))~~ (23) "Superior court order" means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:

(a) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or

(b) Specifically relieving a responsible parent of a support obligation.

~~((25))~~ (24) "Support debt" means:

(a) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order;

(b) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care costs as defined in this section, birth costs, child care, special child rearing expenses, and an accrued debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;

(c) A debt under RCW 74.20A.100 or 74.20A.270; or

(d) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.

~~((26))~~ (25) "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs, or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

~~((27))~~ (26) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including health care costs as defined in this section, birth costs, child care and special child rearing expenses of a dependent child or other person as required by law.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

**WAC 388-11-045 Service requirements—Tolling.**

(1) For support obligations owed for months on or after September 1, 1979, the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf

support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served. However,

~~(a))~~, the department shall not lose the right to reimbursement of public assistance payments for any period of time;

(a) During which it exercised reasonable efforts to locate the responsible parent; or

(b) For sixty days after the date on which the center for health statistics received an acknowledgement of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

(2) The department shall not apply this rule to:

(a) Nonassistance cases;

(b) Cases where the residential parent lives out of state;

(c) Cases in which the custodial parent is claiming good cause for not cooperating with the department; and

(d) Cases where parentage is in issue and;

(i) Has not been established by superior court order;

~~(e))~~ or

(ii) Is not the subject of a presumption under RCW 26.26.040 (1)(a) or (e).

(3) The department shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.

~~((2))~~ (4) For support obligations owed for months before September 1, 1979, and for which a final determination was issued on or after September 1, 1979, the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial responsibility within six months of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the sixth month and before the notice is served. However, the department shall:

(a) ~~((The department shall))~~ Not lose the right to reimbursement of public assistance payments for any period of time during which it exercised reasonable efforts to locate the responsible parent. Reasonable efforts to locate shall be supported by contemporaneous recordings in the department's files;

(b) ~~((The department shall))~~ Not apply this rule to nonassistance cases, cases where the residential parent lives out of state, or cases where parentage is in issue and has not been established by superior court order;

(c) ~~((The department shall))~~ Consider a prorated share of each monthly public assistance payment as paid on each day of the month.

#### AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

**WAC 388-11-120 Default.** If the responsible parent fails to appear at a hearing, the administrative law judge shall, upon a showing of valid service, enter an initial decision and default order. The administrative law judge shall state in the decision that the support debt and the

current support obligation stated in the notice and finding of financial or parental responsibility are assessed, determined, and subject to collection action.

#### AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

**WAC 388-11-150 Consent order and agreed settlement.** (1) ~~((Informal disposition of any contested case shall be encouraged where feasible through))~~ The department may enter a consent order or agreed settlement to dispose of any contested case. The department shall use consent orders and agreed settlements in any case in which such informal disposition is feasible.

(a) An agreed settlement shall be effective without approval of an administrative law judge.

(b) A consent order shall require the approval of an administrative law judge to be effective. The administrative law judge shall approve a consent order without requiring testimony or a hearing unless the entry of such an order would be specifically contrary to law.

(2) If negotiations to a consent order or agreed settlement are commenced within twenty days of service of the notice and finding of financial, or parental responsibility, and such negotiations fail, the responsible parent shall have an additional twenty days from the date the negotiations fail to request a hearing. The department shall consider a hearing ~~((so requested shall be considered))~~ request filed within twenty days of the date negotiations failed, to be timely.

(3) A party to a consent order ~~((s))~~ or an agreed settlement ~~((s shall not be subject to review))~~ may:

(a) Not petition for review of the settlement or order under WAC ~~((388-11-105, but shall be subject to))~~ 388-08-464;

(b) Petition for modification under WAC 388-11-140; and ~~((vacation for fraud))~~

(c) Petition to vacate the settlement or order under WAC 388-11-115.

#### AMENDATORY SECTION (Amending Order 3344, filed 3/24/92, effective 4/24/92)

**WAC 388-11-210 Administrative orders.** (1) The department and the presiding officer shall include in every administrative child support order ~~((shall include))~~ the:

(a) Responsible parent's and residential parent's net income;

(b) Amount of the responsible parent's share of the basic support obligation without adjustments;

(c) Amount of the responsible parent's share of the basic support obligation after adjustments;

(d) Specific reasons for deviation, if the adjusted amount is different than the unadjusted amount;

(e) Total amount of the responsible parent's support obligation with the transfer payment stated as an amount per month per child;

(f) Specific day of the month on which the support payment is due;

(g) Responsible parent's Social Security Number, residence address, and the name of the responsible parent's employer;

(h) Residential parent's Social Security Number;



- (i) Names, birthdates, and Social Security Numbers, if any, of the dependent child;
- (j) Disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215;
- (k) Statement that the responsible parent shall make all support payments to the Washington state support registry;
- (l) Statement that each parent shall notify the Washington state support registry of a change in resident address;
- (m) Statement that the responsible parent must keep the Washington state support registry informed of the:
- (i) Name and address of that parent's employer;
- (ii) Availability of health insurance coverage for the dependant children at reasonable cost; and
- (iii) If health insurance is available, of the health insurance policy information.
- (n) Statement that a support obligation established under this chapter shall continue until:
- (i) Modified under WAC 388-11-140;
- (ii) Superseded by a superior court order; or
- (iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation ~~((will))~~ shall continue until the earlier of the child's graduation from high school or the child's nineteenth birthday; and
- ~~((and))~~ (o) Statement that the responsible parent is liable for the following costs based on the parent's proportionate share of the basic support obligation, if these costs are known when the order is entered:
- (i) Health care costs, including extraordinary health care costs, not covered by health insurance;
- (ii) Day care expenses; and
- (iii) Approved special child-rearing expenses.
- (2) Unless the presiding officer finds good cause or approves an alternate payment arrangement under subsection (3) of this section, the support order shall contain a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent.
- (3) The presiding officer may enter an order that does not contain the notice required by subsection (2) of this section if the presiding officer:
- (a) Finds that one of the parties has demonstrated good cause not to require immediate income withholding; or
- (b) Approves a written agreement signed by both parties that provides for an alternate payment arrangement.
- (4) All support orders containing an alternate payment arrangement approved under subsection (3)(a) or (b) of this section shall include a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW when a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed.
- (5) The department and the presiding officer shall:
- (a) Base all findings of good cause under subsection (3)(a) of this section on a finding that immediate wage withholding would not be in the best interest of the child; and

(b) Include in the support order a written explanation of why immediate wage withholding would not be in the best interests of the child.

(6) When modifying an existing support order, the department and the presiding officer shall not make a finding of good cause under subsection (3)(a) of this section without:

(a) Finding that immediate wage withholding would not be in the best interest of the child;

(b) Proof of timely payment of previously ordered support; and

(c) Including a written explanation of why immediate wage withholding would not be in the best interests of the child.

AMENDATORY SECTION (Amending Order 3234, filed 8/20/91, effective 9/20/91)

**WAC 388-14-030 Confidentiality.** (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the office provides support enforcement services, are private and confidential. The office shall disclose information and records only as follows:

(a) The office shall disclose information and records only to:

(i) A person or entity listed and for the specific purpose or purposes stated in federal law;

(ii) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

(iii) Local, state, and federal government agencies for support enforcement and related purposes;

(iv) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the presiding officer enters an order to disclose. The presiding officer shall base the order ~~((shall be based))~~ on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(v) A party under contract, if disclosure will allow the party to assist in the program's management or operation;

(vi) A person or entity when necessary to the administration of the program or the performance of functions and duties in state and federal law. The office may publish information about a responsible parent for locate and enforcement purposes;

(vii) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(viii) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW ~~((: Provided however, that))~~. The presiding officer or review judge shall not include the address of the physical custodian in an administrative order, or disclose the physical custodian's address to the responsible parent. ((A)) The review judge and the presiding officer shall:

(A) State in support ~~((order shall state))~~ orders that the address is known by the Washington state support registry; and

(B) Inform the parties they may obtain the address by submitting a request for disclosure to the office of support enforcement (OSE) under this section.

(b) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. ~~((This))~~ The party receiving the information may only use the information ~~((may only be used))~~ to establish, enforce, or modify a support order. Disclosure of this information is subject to ~~((either))~~ the limitations listed ~~((#))~~ under subsections (4), (5), and (6) of this section;

(c) The last known address of natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with the parent's natural or adoptive children. ~~((This information))~~ The parent may only ~~((be used))~~ use this information to enforce the terms of the court order;

(d) The department may disclose the Social Security Number of a dependent child ~~((may be disclosed))~~ to the absent parent to enable the parent to claim the dependency exemption as authorized by the Internal Revenue Service.

(2) ~~((The rules and procedures in))~~ Except as provided under subsections (4) through (8) of this section, chapter 388-320 WAC ~~((, relating to))~~ governs the process ~~((for))~~ of requesting and disclosing information and records ~~((, apply to requests for disclosure under this section)).~~

(3) The office shall take timely action on requests for disclosure. The office shall respond in writing within ~~((ten))~~ five working days of receipt of the request, unless the request is for disclosure of the address of the physical custodian or the dependent children. The office shall inform the requestor of the thirty-day notice period provided for under subsection (5) of this section. The office shall respond to a request for an address within ~~((ten))~~ five working days of the date the thirty-day notice period, provided for in subsection (5) of this section, expires, unless the physical custodian requests an adjudicative proceeding to contest the address release.

(4) The following provisions apply to a request for disclosure of the physical custodian's or a dependent child's address under subsection (1)(b) and (c) of this section:

(a) The office shall not release the address if:

(i) The department has determined, under WAC 388-24-111, that the physical custodian has good cause for refusing to cooperate;

(ii) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the physical custodian or the child from harm.

(b) A person shall submit a request for disclosure in writing and in person, with satisfactory evidence of identity, at any OSE office;

(c) If the request is made by the person's attorney, the office shall waive the provisions regarding submission in person with satisfactory evidence of identity;

(d) If the person resides outside the state of Washington, the office shall waive the provision requiring submission in person if the person:

(i) Submits a notarized request for disclosure; and

(ii) Complies with the requirements of subsection (4)(e) of this section~~((;))~~.

(e) The requester shall attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. The office shall waive this provision if the office has a true copy of the order on file;

(ii) A sworn statement by the individual that the order has not been modified;

(iii) A statement explaining the purpose of the request and how the information will be used.

(5) Prior to disclosing the physical custodian's or a child's address, the office shall mail a notice to the last known address of the physical custodian, except as provided ~~((#))~~ under subsection ~~((#))~~ (8) of this section. The notice shall advise the physical custodian that:

(a) A request for disclosure has been made;

(b) The office will disclose the address, to a person under subsections (1)(b) and (c) of this section, after thirty days from the date of the notice, unless:

(i) The office receives a copy of a court order which:

(A) Enjoins disclosure of the address; or

(B) Restricts the address requesting party's right to contact or visit the other party or a child by imposing conditions to protect the physical custodian or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(ii) The physical custodian requests an adjudicative proceeding which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the physical custodian or a dependent child.

(c) If the physical custodian requests an adjudicative proceeding to contest the address release, the physical custodian may participate in the proceeding by telephone, from any pre-arranged location. The location and phone number shall not be disclosed by the presiding officer.

(6) In any adjudicative proceeding requested under subsection (5)(b)(ii) of this section:

(a) The parent requesting address disclosure and the physical custodian are independent parties in the adjudicative proceeding;

(b) The physical custodian may participate by telephone, provided the physical custodian:

(i) States in the request for the adjudicative proceeding that participation will be by telephone; and

(ii) Provides the office of appeals or the office of administrative hearings with a telephone number where the physical custodian can be reached for the hearing, at least five calendar days before the scheduled hearing.

(c) The presiding officer shall not disclose the location or phone number from which the physical custodian is appearing;

(d) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which disclosure is specifically permitted under this section.

(e) If the party requesting address disclosure:

(i) Fails to meet this burden, the presiding officer shall enter an order denying the address request;

((e) If the party requesting address disclosure) (ii) Establishes that the address was requested for a purpose for which disclosure is permitted, the physical custodian must then show that it is reasonable to anticipate that physical or emotional harm to the physical custodian or a child will result from release of the address. The physical custodian:

~~((i))~~ ~~The physical custodian~~ (A) May demonstrate reasonable anticipation of harm by any form of evidence admissible under chapter 34.05 RCW; ~~((ii))~~ ~~The physical custodian~~ and

(B) Is not required to provide corroborative evidence required by WAC 388-24-111(7), to establish a reasonable anticipation of harm.

(f) If either party fails to appear, the presiding officer may enter an order on default:

(i) If the ~~((default order is based on the))~~ physical custodian~~((s failure))~~ fails to appear, the order shall require OSE to release the physical custodian's address;

(ii) If the ~~((default is based on the))~~ address requesting party~~((s failure))~~ fails to appear, the default order shall deny the request for address information.

(g) The office of administrative hearings shall arrange the attendance of the parties by telephone or other procedure showing due regard for the safety of the physical custodian and the children;

(h) If the physical custodian requests an adjudicative proceeding the office ~~((will))~~ shall respond to the disclosure request within ~~((ten))~~ five working days of the exhaustion of administrative remedies.

(7) If the physical custodian requests a hearing under subsection (6) of this section in response to a department initiated review of the support order for modification, both parties to the support order shall be independent parties in the address disclosure hearing.

(8) The office ~~((will))~~ shall not mail a notice prior to disclosure:

(a) If the address requesting party can show the other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child; or

(b) When a child whose address is requested is receiving foster care services under chapter 74.13 RCW.

~~((8))~~ (9) If a child is receiving foster care services, the party shall contact the party's local community services office for disclosure of that child's address information.

~~((9))~~ (10) The rules of confidentiality and penalties for misuse of information and reports that apply to a department employee, shall also apply to a person who receives information under this section.

~~((10))~~ (11) Nothing in these rules ~~((shall be construed))~~:

(a) ~~((To))~~ Prevents the office from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) ~~((To))~~ Requires the office to disclose information and records obtained from a confidential source.

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

**WAC 388-14-205 Responsibilities of the office of support enforcement.** (1) The office shall provide services, until such services are terminated under this chapter, when:

(a) The department pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services under WAC 388-14-300 (2)(d);

(c) An applicant/custodian requests nonassistance support enforcement services under RCW 74.20.040 and WAC 388-14-300~~((-))~~;

(d) A support order or wage assignment order under chapter 26.18 RCW directs that the responsible parent make support payments through the Washington state support registry;

(e) A support order under which there is a current support obligation for the dependent children, is submitted to the Washington state support registry;

(f) A former custodial parent requests services to collect a support debt that has been reduced to a sum certain judgment by the court or agency of competent jurisdiction; or

(g) A child support enforcement agency in another state or foreign country under reciprocal agreement requests support enforcement services.

(2) ~~((Whenever))~~ When possible and ~~((for))~~ appropriate ~~((under the circumstances))~~, the office shall take action under chapters 26.23 and 74.20A RCW to establish, enforce, and collect the child support obligation. The office may refer appropriate cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(3) Except to the extent allowed by WAC 388-24-111, in any case for which OSE has received notice that the CSO has made a finding of good cause under WAC 388-24-111, the office shall not act to:

(a) Establish paternity on its own initiative or at the request of a putative father applying for services under WAC 388-14-300 (1)(h); or

(b) Secure child support.

(4) The office shall suspend all activities under Title IV-D to establish paternity or secure child support, to the extent required by WAC 388-24-111, until the CSO notifies the office of its final determination regarding an applicant or recipient who has claimed good cause. Any agency acting under a cooperative agreement who fails or refuses to comply with a request from OSE to suspend activities shall not be entitled to financial participation under the Title IV-D cooperative agreement as to said case or cases upon which the request is made.

(5) A child support obligation shall:

(a) Continue while enforcement and/or collection action is suspended pending a final determination of good cause; and

(b) Be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

(6) The office shall:

(a) Review and comment on the findings and basis for the proposed determination by the CSO; and

(b) Be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

(7) The office shall:

(a) Establish, maintain, retain, and dispose of case records in accordance with the department's records management and retention policies and procedures adopted under chapter 40.14 RCW.

(b) Establish, maintain, and monitor support payment records; and

(c) Receive, account for, and distribute child support payments required under superior court and administrative orders for support.

(8) When the office determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, the office shall ~~((mail))~~ send a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and to the responsible parent. The department shall include the following provisions in the notice ~~((shall contain the following provisions))~~:

(a) A statement of the facts the office relied on in making the determination; and

(b) A statement that payee has twenty days from the date of the notice, to:

(i) Object and request a conference board under WAC 388-14-385~~((;))~~; or

(ii) Initiate an action to obtain a judgment from the court that entered the order.

(9) If the conference board or the court determines the support obligation or a support debt still exists, the office shall withdraw the notice and shall make reasonable efforts to enforce and collect the remaining support debt. When the conference board or court determines that a debt does not exist, the office shall file a satisfaction of judgment with the clerk of superior court in which the order was entered.

(10) A support obligation is satisfied or no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The support debt owed under the order has been paid in full;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations; or

(c) The office determines the responsible parent has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, the office determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

(11) WAC sections 388-14-300 and 388-14-310 govern the level of services provided by the department under subsections (1)(b) through (g) of this section ~~((shall be governed by WAC 388-14-300 and 310))~~.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, [effective] 5/10/91)

**WAC 388-14-385 Conference board.** (1) A conference board may inquire into, determine facts, and attempt to resolve matters in which a responsible parent, residential parent, payee under a court order, or other person feels aggrieved by an action taken by the office of support enforcement under:

(a) Chapters 26.23, 74.20, 74.20A RCW~~((;))~~; or

(b) Title IV-D of the Social Security Act (Title 42 U.S.C.).

(2) The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances.

~~((+))~~ (3)(a) The director, revenue division, or director's designee may assemble a conference board on application of an aggrieved person or on the director's own motion. The conference board shall dissolve upon issuance of a decision on the matter for which it was appointed.

(b) An applicant for a conference board shall have made a reasonable attempt and have failed to resolve the grievance before a conference board may act to attempt to resolve the issue.

~~((2))~~ (4) The conference board's jurisdiction shall include, but shall not be limited to, the following areas:

(a) A complaint as to the conduct of individual staff members while acting within the scope of their duties. The decision of the board shall be directed to the first line supervisor for action as appropriate;

(b) Review of a denial of an application for or termination of nonassistance support enforcement services;

(c) Review of an allegation of error as to the distribution of support moneys;

(d) Review of a denial to collect support arrears in nonassistance cases under RCW 74.20.040;

(e) Resolution of the amount of arrears claimed due and rate of repayment~~((;))~~;

(f) A request to release or refund money taken under RCW 74.20A.080 or 26.23.060 to provide for the reasonable necessities of a responsible parent and minor children in the responsible parent's home;

(g) A request for deferral of support enforcement action;

(h) A request for partial or total charge-off of support arrears under RCW 74.20A.220;

(i) A request to waive interest under RCW 74.20A.190;

(j) A request to waive or defer the nonassistance support enforcement fee under RCW 74.20.040;

(k) Review of a determination that a support obligation has been satisfied or is no longer legally enforceable;

(l) A specific request for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations; ~~((and))~~

(m) Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case; and

(n) OSE's action in reporting a support debt to a consumer reporting agency.

~~((3))~~ (5) When a person requests a conference board, the director or the director's designee may take such action, as deemed appropriate, and may exercise any of the authority provided for in this regulation, when the:

(a) Grievance does not involve a factual dispute; or

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(b) Disputed fact or facts even if resolved in favor of the person would not provide a basis upon which relief could be granted to the person by a conference board.

~~((4))~~ (6) When a person requests a conference board and the grievance involves an apparent factual dispute:

(a) The director or director's designee shall assemble a conference board composed of the director or director's designee, who shall serve as ~~((chairman,))~~ chair and two staff members, if deemed necessary;

(b) The ~~((chairman))~~ chair shall mail a notice of conference board to the applicant and any other person or agency who is a party in interest to the proceeding. The notice of conference board shall state that a conference board has been scheduled and inform the parties of the time and place of the conference board;

(c) Where the department is not providing public assistance to the payee under a court order, and the responsible parent timely requests a conference board to contest the debt stated in a notice of support debt, the conference board shall be scheduled for a date at least thirty days after the notice of conference board is issued, and the notice shall state that:

(i) The payee has twenty days from the date the notice of conference board was given to request that the grievance be addressed in an adjudicative proceeding under WAC 388-14-435;

(ii) If the payee does not timely request an adjudicative proceeding, the department will deem that the payee has elected to have the grievance heard in a conference board and the:

(A) Conference board decision will become the final agency position on the debt claimed under the notice of support debt; and

(B) A payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application; and

(iii) If the payee does not appear at either a conference board or an adjudicative proceeding, the resulting decision may be adverse to the payee's interest~~((;))~~ including, but not limited to, a reduction in the support debt stated in the notice of support debt.

(d) If the payee requests an adjudicative proceeding under WAC 388-14-435, OSE shall inform the:

(i) Responsible parent that the parent's request for conference board is declined, and the responsible parent must appear at the adjudicative proceeding requested by the payee to raise objections to the notice of support debt; and

(ii) Payee that the conference board previously scheduled has been declined due to the payee's application for an adjudicative proceeding.

~~((5))~~ (7) The ~~((chairman of the))~~ conference board chair is authorized to issue subpoenas under RCW 74.04.290 and to administer oaths, take testimony, and compel the production of such papers, books, records, and documents deemed relevant to the resolution of the grievance under consideration. The conference board chair may take additional evidence ~~((may be taken))~~ by affidavit or other written submission when necessary or practicable together with written or oral argument. The ~~((chairman))~~ chair may designate persons having specific familiarity with the matter at issue or technical expertise with the subject to advise the board.

~~((6(a)))~~ (8) The conference board ~~((chairman))~~ chair shall make a written decision stating the facts found, policies applied, and the board's decision.

~~((b))~~ (a) The board's decision, including a decision to deny a request for a conference board, shall be in accordance with applicable statutes, case law, department rules and regulations, published office of support enforcement manuals, support enforcement policy bulletins, and the exercise of reasonable administrative discretion.

~~((c))~~ (b) The board shall base a decision under RCW 74.20A.220 to grant partial or total charge-off of arrears owed to the department under RCW 74.20A.030, 74.20A.250, 74.20.320, 74.20.330, or 42 U.S.C. 602 (a)(26)(A) on the following considerations:

(i) Error in law or bona fide legal defects that materially diminish chances of collection; or

(ii) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support which hardship is to be measured against income standards for public assistance and consideration of all available income, property, and resources of the responsible parent and the necessity to apportion the income and resources of the responsible parent on an equitable basis with the children for whom the arrears accrued; or

(iii) Costs of collection action in the future that are greater than the amount to be charged off; or

(iv) Settlement from lump-sum cash payment that is beneficial to the state considering future costs of collection and likelihood of collection.

~~((d))~~ (c) If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand them for issuance of a new decision in compliance with the standards.

~~((e))~~ (9) The board shall distribute a copy of the decision to the applicant, other parties in interest, the appropriate office of support enforcement field office for action consistent with the decision of the board, and the director.

~~((7))~~ (10) A conference board is not an adjudicative proceeding subject to review by the superior court and is not a substitute for any constitutionally or statutorily required hearing. Aggrieved parties may be represented before the board by a person of their choice. The department shall not pay any costs incurred by the aggrieved person in connection with the conference board.

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

**AMENDATORY SECTION** (Amending Order 3043, filed 7/24/90, effective 8/24/90)

**WAC 388-14-420 Termination of support enforcement services.** (1) After the office of support enforcement (OSE) begins providing services under chapter 74.20 RCW and RCW 26.23.045 (1)(a), (b), (c), (e), or (f), OSE may terminate services ~~((under the following circumstances))~~ when:

(a) There is no current support order and the ~~((support obligation under the order ends and the))~~ support debt is

~~((paid))~~ less than five hundred dollars or cannot be enforced under the laws of the state of Washington;

(b) ~~OSE determines that the responsible parent ((is dead and OSE receives proof there is no available estate)) or putative father is dead and has no available assets, income, or estate subject to collection action;~~

(c) OSE determines that the responsible parent does not have any available assets, income, or estate subject to collection action, and is and will be unable to pay support because the parent is:

(i) Institutionalized in a psychiatric facility;

(ii) Incarcerated without possibility of parole; or

(iii) Medically verified as totally and permanently disabled with no evidence of support potential.

(d) The applicant, agency, or person receiving nonassistance services((, or agency)) submits a written request to terminate services, and no:

(i) Current assignment to the state of medical support rights exists; and

(ii) Debt accrued under a support order that is assigned to the state exists((;

~~((d) The physical custodian and the dependent child move to and reside in another state or country)).~~

~~((e) ((OSE receives no support payment despite reasonable collection efforts, and future collections are not foreseeable;~~

~~((f)) OSE makes reasonable efforts to identify or locate the responsible parent, using local, state, and federal locate sources((;)) over a three-year period and does not find new locate information; ((or))~~

(f) OSE is unable to contact a nonassistance physical custodian within a thirty-day period using both a telephone call and one or more registered letters;

(g) OSE documents:

(i) Instances of the physical ((custodian fails)) custodian's failure or ((refuses)) refusal to cooperate with OSE; and ((OSE cannot proceed without such cooperation))

(ii) That the physical custodian's cooperation is essential for the next step in providing support enforcement services;

~~((h) ((The physical custodian:~~

~~((i) Hires an attorney or collection agency to collect the support obligation or support debt without notice to OSE; and~~

~~((ii) Fails or refuses to cooperate with a request to have support payments paid through the Washington state support registry.~~

~~((i)) OSE cannot obtain a ((support)) paternity order because:~~

~~((i) ((There is not enough proof to establish the support obligation)) The putative father is dead; ((or))~~

~~((ii) ((OSE has exhausted legal remedies)) A genetic test has excluded all known putative fathers and no other putative father can be identified;~~

~~((iii) The child is eighteen years of age or older; or~~

(iv) The department, a court of competent jurisdiction, or an adjudicative proceeding determines that paternity establishment would not be in the best interest of the child in a case involving:

(A) Incest;

(B) Rape; or

(C) Pending adoption.

~~((f)) (i) The department or a court of competent jurisdiction finds the person receiving services has wrongfully deprived the responsible parent of physical custody of a dependent child under WAC 388-11-065(10);~~

~~((k) OSE finds it is either not advisable or not proper to provide or continue services; or~~

~~((h)) (i) The department or a court of competent jurisdiction finds that action establishing or enforcing a support obligation ((is likely to result in)) cannot proceed without risk of harm to the child or the child's custodian;~~

(k) OSE has provided locate-only services in response to a request for state parent locator services; or

(l) The responsible parent is a citizen of, and lives in, a foreign country and:

(i) Does not have any assets which can be reached by OSE; and

(ii) Washington state has been unable to establish reciprocity in child support matters with that country.

(2) After OSE provides services under RCW 26.23.045 (1)(d), OSE shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders OSE to terminate services based on:

(A) An approved alternate payment plan under RCW 26.23.050; or

(B) A finding that it is not in the child's best interest for OSE to continue providing services.

(ii) After filing a satisfaction of judgment with the court as provided under WAC 388-14-205; or

(iii) If the responsible parent is dead and OSE receives proof there is no available estate.

(b) Terminate services, except records maintenance and payment processing:

(i) For the reasons stated under subsections (1)(c), (d), (e), (f), (g), ~~((h;))~~ (j), (k), or (l) of this section; or

(ii) If the payee under the order fails to submit an application for support enforcement services.

(3) ~~((When))~~ Sixty days before terminating services, OSE shall mail a notice to the physical custodian. OSE shall:

(a) Send the notice by regular mail to the last known address of the physical custodian;

(b) Include in the notice the reason~~((s))~~(s) for terminating services; and

(c) State in the notice that the physical custodian may ask for an adjudicative proceeding to contest the decision terminating services.

~~((4) ((OSE may terminate support enforcement services when the department terminates foster care under Title 13 RCW.~~

~~((5))~~ After terminating support enforcement services, OSE shall return support money OSE receives to the payor except as provided under subsection (2)(b) of this section.

#### NEW SECTION

**WAC 388-14-427 Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service.** (1) An employer, or any other person, firm, corporation, or political subdivision, or department of the state or federal government, may agree to accept

and acknowledge service of documents listed under subsection (3) of this section by electronic data transmission.

(2) All agreements for service by electronic data transmission (EDT) shall be in writing and shall contain the employer, person, firm, corporation, political subdivision, or department's agreement to accept an EDT as:

(a) Personal service of the documents related to withholding; and

(b) A written document for the purpose of chapters 26.23 and 74.20A RCW.

(3) OSE may serve the following documents by EDT, providing that the entity served has agreed to service by EDT under the provisions of subsections (1) and (2) of this section:

(a) Notice of Payroll Deduction under RCW 26.23.060;

(b) Order to Withhold and Deliver under RCW 74.20A.080;

(c) Assignment of earnings under RCW 74.20A.240;

(d) Releases of any of the documents listed in this subsection; and

(e) Amendments in the amount to be withheld under any of the documents listed in this subsection.

(4) OSE shall provide the other party, to any agreement under this section, with copies of the current forms listed in subsection (3) of this section, and any subsequent updates of those forms. OSE's failure to provide updates shall not excuse compliance with any of the wage withholding documents served under the terms of the agreement.

(5) An agreement to accept service by EDT does not alter the rights, duties, and responsibilities related to income withholding action under chapters 26.23, 74.20, and 74.20A RCW.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, effective 5/10/91)

**WAC 388-14-435 Notice of support debt.** (1) A notice of support debt issued under RCW 74.20A.040 shall state:

(a) The Office of Support Enforcement (OSE) (~~is providing~~) provides support enforcement services on behalf of the responsible parent's dependent children.

(b) The amount of any support debt, including medical support and day care costs, owed by the responsible parent.

(c) The current monthly amount for support under a court or administrative order.

(d) Twenty-one days after service of the notice of support debt OSE may take action to collect the responsible parent's support obligation without further notice, when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice of support debt as provided under this section. Collection action includes issuing orders to withhold and deliver, notices of payroll deduction, and/or taking other income withholding action.

(e) After service of the notice of support debt the responsible parent (~~must~~) shall make all support payments through the Washington state support registry.

(f) The responsible parent (~~with~~) shall not receive credit for payments made to a person or agency other than

the support registry under RCW (~~(26.23.050(7))~~) 26.23.050(9) and 74.20.101.

(g) The responsible parent has twenty days after service of the notice to contest the support debt amount by either:

(i) Making a written request for a conference board to be held under WAC 388-14-385; or

(ii) Filing an action in superior court.

(h) If the payee under the order objects to the support debt stated in the notice of support debt, or to a proposed settlement agreement between OSE and the responsible parent resulting in a reduction of the support debt, the payee may contest the action by filing:

(i) (~~Filing~~) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) (~~Filing~~) An action in superior court.

(i) Both parties shall be notified of any adjudicative proceeding requested by the payee, or conference board requested by the responsible parent, and both parties shall be allowed to participate as independent parties.

(2) The department shall serve the notice of support debt on the responsible parent:

(a) Like a summons in a civil action; or

(b) By any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support debt to the payee under the order, by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support debt as provided under WAC 388-14-440.

(4) OSE shall collect the amounts stated in the notice of support debt without notice to either party if the:

(a) Responsible parent does not request a conference board or start an action in superior court; and (~~the~~)

(b) Payee under the order does not file a timely application for an adjudicative proceeding or start an action in superior court(~~(, OSE shall collect the amounts stated in the notice of support debt without further notice to either party)~~).

(5)(a) If the responsible parent requests a conference board the department shall issue a notice of conference board. The notice shall direct the responsible parent to appear and show why the support debt is incorrect. If the conference board request was timely, action to collect the support debt stated in the notice of support debt shall be stayed, except as provided under subsection (5)(c) of this section, pending the outcome of the conference board.

(b) A copy of the notice of conference board shall be mailed to the payee under the court order informing the payee of the payee's right to participate in the conference board.

(i) The payee shall have twenty days from the date the notice of conference board is given to request that the issues be addressed in an adjudicative proceeding under subsection (1)(h) of this section.

(A) If the payee does not file an application for an adjudicative proceeding within twenty days, the payee will be deemed to have made an election of remedies(~~;~~) and the:

(I) (~~The~~) Conference board decision shall become the final agency position; and

(II) (~~The~~) Payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application.



(B) If the payee files an application for an adjudicative proceeding within twenty days the department shall stay any action to collect the support debt stated in the notice of support debt (~~(shall be stayed)~~), except as provided under subsection (5)(c) of this section, pending the outcome of the adjudicative proceeding.

(ii) OSE shall notify the responsible parent of the payee's application for an adjudicative proceeding as required under subsection (1)(i) of this section.

(c) OSE may take action to collect:

(i) The current monthly amount of support stated in the court order;

(ii) Any portion of the support debt that both parties fail to allege is not owed; or

(iii) Any portion of the support debt that has been reduced to a sum certain judgment by a proper court or agency.

(6)(a) (~~(#)~~) This section incorporates the following sections by reference, into any adjudicative proceeding scheduled to contest a notice issued under this section(~~, the following WAC provisions are incorporated by reference:~~):

(i) WAC 388-11-011(~~(#)~~);

(ii) 388-11-015(~~, 388-11-055;~~);

(iii) 388-11-060(~~(#)~~);

(iv) 388-11-065(~~(#)~~);

(v) 388-11-100(~~(#)~~);

(vi) 388-11-115(~~(#)~~);

(vii) 388-11-135(~~(#)~~);

(viii) 388-11-145(~~(#)~~);

(ix) 388-11-180(~~(#)~~); and

(x) Chapters 10-08 and 388-08 WAC.

(b) If any provision in this rule or in a rule incorporated by reference in this section conflicts with, or is inconsistent with a provision in chapters 10-08 or 388-08 WAC, the provision in this section or a rule incorporated by reference in this section shall govern.

(c) For the purposes of this section, if a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(7) After evidence has been presented at a hearing, the presiding officer shall, within twenty days:

(a) Find the amount of the support debt, including medical support and day care costs, accrued (~~(prior to)~~) before the date of service of the notice;

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapters 26.21 or 26.20 RCW shall not be construed as modifications; and

(d) Issue findings of fact, conclusions of law, and an initial decision and order.

(8)(a) If any party appears for the adjudicative proceeding, absent the granting of a continuance, the presiding officer shall hear the matter and enter an initial decision and order based (~~(upon)~~) on the evidence presented.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support debt subject to collection.

(c) When a party has advised the presiding officer that (~~(they)~~) the party will participate in an adjudicative proceeding by telephone, the presiding officer (~~(must)~~) shall attempt to contact that party, on the record, prior to beginning the proceeding or ruling on a motion.

(~~(d)~~) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement, or consent order. The presiding officer shall approve any consent order unless the:

(a) (~~(#)~~) Order is contrary to law; or

(b) (~~(The)~~) Payee under the order files a timely objection to the notice of:

(i) (~~(Notice of)~~) Support debt; or

(ii) (~~(Notice of)~~) Proposed settlement.

(10) (~~(A support order issued under this section)~~) The presiding officer, review judge, and OSE shall (~~(contain)~~) include the notice and information listed (~~(#)~~) under RCW 26.23.050(5) in support orders issued under this section.

(11) This section does not require OSE (~~(is not required)~~) to serve a notice of support debt on the responsible parent (~~(prior to)~~) before taking collection action if the order contains the requirements under RCW 74.20A.040(5).

(12) The provisions of this section regarding the payee's right to an adjudicative proceeding under chapter 34.05 RCW shall not apply if the department is providing public assistance to the payee or the child for whom support is being enforced.

**WSR 93-05-021**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3513—Filed February 10, 1993, 2:22 p.m.]

Date of Adoption: February 10, 1993.

Purpose: Increase the funeral/interment assistance standards by 3.2 percent and correct small discrepancies in the language of the rule. WAC 388-42-020 and 388-42-025 have minor language change, "care" includes preservation or refrigeration. WAC 388-42-150 has a standards increase.

Citation of Existing Rules Affected by this Order: Amending WAC 388-42-020 Funeral and interment assistance—Definitions, 388-42-025 Available services, and 388-42-150 Maximum cost standards.

Statutory Authority for Adoption: RCW 74.08.120.

Pursuant to notice filed as WSR 93-02-018 on December 30, 1992.

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

February 10, 1993

David L. Henry

for Rosemary Carr

Acting Director

Administrative Services



AMENDATORY SECTION (Amending Order 3422, filed 7/23/92, effective 8/23/92)

**WAC 388-42-020 Funeral and interment assistance—Definitions.** (1) "Funeral" means the proper preparation~~(s)~~ and care~~(s, and preservation)~~ of the remains of a deceased person with needed facilities and appropriate memorial services.

(2) "Disposition of the remains" means disposal of the remains of a deceased person by burial or cremation, and marking of the grave or repository of the cremated remains.

(3) "Local service area" means the state of Washington.

(4) "Mortuary services" means the services provided by the funeral director and the mortuary.

(5) "Funeral/memorial service" means a service facilitated by the funeral director to commemorate the deceased, whether held at the mortuary, in a church, or at the graveside.

(6) "Burial services" means all services related to burial and marking of a grave.

(7) "Cremation services" means all services related to cremating the remains of the deceased, disposing of the remains, and the customary memorial marking of the repository of the cremated remains.

(8) "Transportation" means the transport of a body from the place of death to the mortuary and to the site of disposition within the local service area.

AMENDATORY SECTION (Amending Order 3422, filed 7/23/92, effective 8/23/92)

**WAC 388-42-025 Available services.** (1) Mortuary services.

(a) Essential services shall include:

(i) Preparation ~~((and care))~~ of the remains of the deceased for disposition by cremation or burial;

(ii) Preparation and filing of death certificate and permits;

(iii) A casket or container of sufficient durability to transport the remains to a crematorium or cemetery;

(iv) Refrigeration or embalming.

(b) Funeral/memorial services shall include the use of:

(i) The funeral director's staff and facilities for a funeral/memorial service; and

(ii) Reposing rooms, chapel, casket coach, and one car for family of the deceased.

(2) Transportation services shall include:

(a) Transportation of the body from the place of death to the mortuary; and

(b) Remains from the mortuary to the place of disposition.

(3) Burial services. Interment shall be by burial or cremation.

(a) Burial only shall include:

(i) Minimum grave marker;

(ii) Grave liner if required; and

(iii) Interment and recording.

(b) Burial with plot shall also include burial plot and endowed care if not previously provided or purchased.

(4) Cremation services.

(a) Cremation only shall include:

(i) Cremation; and

(ii) A container of a substantial material.

(b) Cremation and disposition shall also include:

(i) Space for disposition of the remains in a cemetery or columbarium;

(ii) Disposition of the remains; and

(iii) Minimum marker.

AMENDATORY SECTION (Amending Order 3422, filed 7/23/92, effective 8/23/92)

**WAC 388-42-150 Maximum cost standards.** (1) Mortuary services—Actual costs, but not to exceed:

(a) Essential services and transportation

only . . . . . \$ ~~((292))~~ 301

(b) Essential services and transportation plus

funeral/memorial service . . . . . \$ ~~((670))~~ 691

(2) Burial services—Actual costs, but not to exceed:

(a) Burial only, no plot included . . . . \$ ~~((365))~~ 377

(b) Burial with plot included, single or multiple interment . . . . \$ ~~((422))~~ 436

(3) Cremation services—Actual costs, but not to exceed:

(a) Cremation only . . . . . \$ ~~((172))~~ 178

(b) Cremation and disposition . . . . . \$ ~~((259))~~ 267

(4) These standards include all applicable taxes.

(5) The standards shall be effective ~~((July 1, 1992))~~

January 1, 1993.

**WSR 93-05-023**

**PERMANENT RULES**

**SUPERINTENDENT OF**

**PUBLIC INSTRUCTION**

[Order 93-03—Filed February 11, 1993, 10:48 a.m.]

Date of Adoption: February 10, 1993.

Purpose: To amend chapter 392-145 WAC so it is not in conflict with RCW 46.61.370.

Citation of Existing Rules Affected by this Order: Amending WAC 392-145-030(5).

Statutory Authority for Adoption: RCW 46.61.380.

Pursuant to notice filed as WSR 93-01-086 on December 15, 1992.

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

February 11, 1993

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 45, filed 2/26/91, effective 3/29/91)

**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

PERMANENT

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 on the roadway 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 and red, alternately flashing lamps shall be displayed whenever a school bus is 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.

(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 93-05-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
(Fire Protection)

[Order 93-02—Filed February 16, 1993, 3:04 p.m.]

Date of Adoption: February 16, 1993.

Purpose: To adopt fire and life safety rules generally consistent with chapter 19.27 RCW, the State Building Code Act, and repeal existing conflicting rules and regulations.

Citation of Existing Rules Affected by this Order: Repealing chapters 212-14, 212-26, 212-28, 212-32, 212-36, 212-40, 212-42, 212-43, 212-45, 212-52, 212-56A, 212-64, 212-65, and 212-70 WAC.

Statutory Authority for Adoption: Chapters 43.63A and 48.48 RCW.

Pursuant to notice filed as WSR 92-20-071 on October 5, 1992; and WSR 93-04-068 [93-04-060] on January 28, 1993.

Changes Other than Editing from Proposed to Adopted Version: No changes other than editing and clarifying language have been made from proposed to adopted version.

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

February 16, 1993

Barbara B. Gooding

Director

**Chapter 212-12 WAC**  
**FIRE MARSHAL STANDARDS**

NEW SECTION

**WAC 212-12-001 Purpose.** The purpose of this chapter is to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire, explosion, and panic. This regulation is applicable to the director of fire protection services. The director of fire protection services is authorized to administer and enforce this chapter.

NEW SECTION

**WAC 212-12-005 Definitions.** Unless otherwise clarified in this section, definitions in the State Building Code shall apply to this chapter. The following definitions shall also apply to this chapter:

(1) "Adult family homes" are those facilities licensed by the department of social and health services under chapter 70.128 RCW and chapter 388-76 WAC. Adult family homes shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(2) "Adult residential rehabilitation facility" means a residence, place, or facility, including private adult treatment homes, licensed by the department of health under chapter 71.12 RCW and chapter 246-325 WAC. Adult residential rehabilitation facilities shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(3) "Alcoholism hospital" means facilities or institutions licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Alcoholism hospitals shall be classified as a Group I, Division 1.1 Occupancy.

(4) "Alcoholism intensive inpatient treatment services" means those services licensed by the department of health under chapter 71.12 RCW and chapter 246-326 WAC. Alcoholism intensive inpatient treatment services shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(5) "Alcoholism treatment facility" means a facility operated primarily for the treatment of alcoholism licensed by the department of health under chapter 71.12 RCW and chapter 246-362 WAC. Alcoholism treatment facilities shall be classified as follows:

(a) "Alcoholism detoxification services":

(i) Acute: Group I, Division 1.1.

(ii) Sub-Acute: Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff; Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff; Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff; Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(b) "Alcoholism long term treatment services": Alcoholism long term treatment services shall be classified as:

(i) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(ii) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(iii) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(iv) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(c) "Alcohol recovery house services": Alcohol recovery house services shall be classified as:

(i) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(ii) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(iii) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(iv) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(6) "Ambulatory" means physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(7) "Approved" refers to approval by the director of fire protection services as a result of investigation and tests conducted by the director of fire protection services or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

(8) "Authority having jurisdiction" is the director of fire protection services or authorized deputy or designee.

(9) "Bed and breakfast:" See transient accommodation definition in this section.

(10) "Boarding home" means any home or other institution licensed by the department of health under chapter 18.20 RCW and chapter 246-316 WAC. Boarding homes shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 2.1 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(11) "Building official" means the designated authority appointed by the governing body of each city or county who is in charge of the administration and enforcement of the Uniform Building Code.

(12) "Chief deputy state fire marshal" means the chief deputy state fire marshal who manages a specific unit within the fire protection services division or as designated by the director of fire protection services.

(13) "Child birth center" means a facility or institution licensed by the department of health under chapter 18.46 RCW and chapter 246-329 WAC. Child birth centers shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(14) "Child day care center" means an agency which provides child day care outside the abode of the licensee or for thirteen or more children in the abode of the licensee. Such facilities are licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-150 WAC. Child day care centers shall be classified as a Group E, Division 3 Occupancy.

(15) "Director of fire protection services" means the director of the fire protection services division in the department of community development or authorized deputy or designee.

(16) "Evaluation process" means the initial steps in the informal appeals process established by the director of fire protection services under the authority of RCW 34.05.060.

(17) "Family child day care home" means a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Such facilities are licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-155 WAC. Family child day care homes shall be classified as a Group R, Division 3 Occupancy.

(18) "Fire official" means the person or other designated authority appointed by the city or county for the administration and enforcement of the Uniform Fire Code.

(19) "Group care facility" means a facility licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-73 WAC. Group care facilities shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or fewer clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.

(20) "Group care facilities for severely and multiply handicapped children" means facilities which are maintained and operated for the care of a group of children as licensed by the department of social and health services under chapter

74.15 RCW and chapter 388-73 WAC. Group care facilities for severely and multiply handicapped children shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen ambulatory clients or residents, excluding staff.

(e) Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory clients or residents, excluding staff.

(f) Group I, Division 3 Occupancy when accommodating any number of restrained persons.

(21) "Hospice care center" means any building, facility, or place licensed by the department of health under chapter 70.41 RCW and chapter 246-321 WAC. Hospice care centers shall be classified as a Group I, Division 1.1 Occupancy.

(22) "Hospital" means an institution, place, building, or agency licensed by the department of health under chapter 70.41 RCW and chapter 246-318 WAC. Hospitals shall be classified as a Group I, Division 1.1 Occupancy.

(23) "Nonambulatory" means physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

(24) "Nursing home" means any home, place, or institution licensed by the department of social and health services under chapter 18.51 RCW and chapter 248-14 WAC. Nursing homes shall be classified as a Group I, Division 1.1 Occupancy.

(25) "Private adult treatment home" means the same as an adult residential rehabilitation facility as defined in (2) of this section.

(26) "Psychiatric hospital" means an institution licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Psychiatric hospitals shall be classified as a Group I, Division 3 Occupancy.

(27) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility licensed by the department of health under chapter 71.12 RCW and chapter 246-323 WAC. Residential treatment facilities for psychiatrically impaired children and youth shall be classified as:

(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.

(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.

(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more

than sixteen ambulatory, nonrestrained clients or residents, excluding staff.

(e) Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.

(f) Group I, Division 3 Occupancy when accommodating any number of restrained persons.

(28) "State fire marshal" means the director of fire protection services or authorized deputy or designee.

(29) "Transient accommodation" means any facility licensed by the department of health under chapter 70.62 RCW and chapter 246-360 WAC and shall include bed and breakfast inns. Transient accommodations shall be classified as a Group R, Division 1 Occupancy when accommodating more than ten persons and a Group R, Division 3 Occupancy when accommodating ten or less persons.

#### NEW SECTION

**WAC 212-12-011 Applicability.** This chapter shall apply to:

- (1) Child birth centers.
- (2) Transient accommodations.
- (3) Nursing homes.
- (4) Hospice care centers.
- (5) Hospitals.
- (6) Boarding homes.
- (7) One day out-patient surgery centers.
- (8) Child day care centers.
- (9) Family child day care homes.
- (10) Private establishments: I.e., adult residential rehabilitation facilities, alcoholism hospitals, alcoholism treatment facilities, psychiatric hospitals, and residential treatment facilities for psychiatrically impaired children and youth.
- (11) Facilities licensed by the department of social and health services, except foster family homes and child placing agencies.
- (12) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).
- (13) Private schools (RCW 28A.195.010).
- (14) Public buildings (RCW 48.48.030).

#### NEW SECTION

**WAC 212-12-015 Compliance.** (1) The director of fire protection services has the responsibility under WAC 212-12-010, chapters 19.27 and 48.48 RCW, and chapters 51-20, 51-21, 51-22, and 51-24 WAC to require occupancies, operations, or processes to be conducted and/or maintained so as not to pose a hazard to life or property and for the removal of fire and life safety hazards.

(2) New construction or remodeling shall be in conformance with the State Building Code Act and chapters 19.27 and 48.48 RCW.

(3) All occupancies, operations, or processes in which the director of fire protection services has responsibility shall comply with the provisions of this chapter.

#### NEW SECTION

**WAC 212-12-020 Inspection.** (1) The director of fire protection services shall have the authority to:

(a) Enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto per RCW 48.48.030(1), 48.48.060, 48.48.070, and 48.48.080.

(b) Enter upon and examine any public building or premises to inspect for fire hazards per RCW 48.48.030(2), 48.48.040, 48.48.045, and 48.48.050.

(c) Collect and disseminate statistical information and reports per RCW 48.48.065.

(2) The director of fire protection services may designate another person or agency to conduct the inspection.

#### NEW SECTION

**WAC 212-12-025 Right of appeal.** Any person may appeal any decision made by fire protection services under this chapter through the following procedure:

(1) The first level of appeal is to the chief deputy state fire marshal. The appeal must be submitted in writing to the chief deputy state fire marshal within thirty days of receipt of the decision in question. The chief deputy state fire marshal shall reply to the appellant within ten days of receipt of such appeal.

(2) The second level of appeal is to the director of fire protection services. If the appellant wishes to appeal the decision of the chief deputy state fire marshal, he/she shall, within ten days of the receipt of that decision, submit a written appeal to the director of fire protection. The director of fire protection services shall reply to the appellant within ten days of receipt of such appeal.

(3) Should this process not satisfy the appellant, he or she may further appeal per chapter 34.05 RCW.

#### NEW SECTION

**WAC 212-12-030 Standards.** The fire and life safety standards of the fire protection services division shall include the following:

(1) Chapter 51-20 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Building Code.

(2) Chapter 51-21 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Building Code Standards.

(3) Chapter 51-22 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Mechanical Code.

(4) Chapter 51-24 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Fire Code.

(5) Chapter 51-25 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Fire Code Standards.

#### NEW SECTION

**WAC 212-12-035 Special requirements.** In addition to the fire and life safety standards listed in WAC 212-12-030, the following shall apply:

(1) In Group I Occupancies, light hazard areas shall be provided with 140 to 165 degree F. quick response sprinklers as listed by Underwriters Laboratories and/or Factory Mutual.

(2) In nursing homes, annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each main nurses' station on each floor, fire or smoke division, and/or building.

(3) Annual certification of fire alarm systems shall be performed by the holder of a current low-voltage electrical contractors specialty license issued by the department of labor and industries.

(4) In addition to other requirements as specified in this chapter, the following shall apply to residential group care facilities classified as Group R, Division 1 Occupancies including such residential group care facilities as adult family homes, adult residential rehabilitation facilities, alcoholism intensive inpatient treatment services, sub-acute alcoholism detoxification services, alcoholism long term treatment services, alcohol recovery house services, boarding homes, child birth centers, group care facilities, group care facilities for severely and multiply handicapped children, private adult treatment homes, residential treatment facilities for psychiatrically impaired children and youth, and other like facilities and occupancies when classified as a Group R, Division 1 Occupancy.

(a) Have installed an approved fully automatic fire-extinguishing system conforming to UBC Standard No. 38-1.

(b) In buildings with individual floor areas over 6,000 square feet, have an approved smoke barrier dividing the floor into at least two compartments, provided that each compartment shall provide no less than thirty square feet per occupant.

(c) Be a minimum Type V, one-hour construction.

(d) Be equipped with an approved smoke detector and automatic shutoff in each single system providing heating and cooling air. Automatic shutoffs shall shut down the air-moving equipment when smoke is detected in a circulating airstream or as an alternate, when smoke is detected in rooms served by the system.

When required, smoke detectors shall be installed in the main circulating-air duct ahead of any fresh air inlet, or installed in each room or space served by the return-air duct. Activation of any detector shall cause the air-moving equipment to automatically shut down. An enclosure shall be provided for a stairway, ramp, or escalator serving only one adjacent floor.

(e) Facilities located above the first floor shall have at least two exits directly to the exterior of the building, or into separate exit systems in accordance with Section 3309(a), Uniform Building Code.

(f) Every story, basement or portion thereof shall have not less than two exits.

**EXCEPTIONS:** 1. Basements used exclusively for the service of the building may have one exit. For the purpose of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.  
2. Storage rooms, laundry rooms, and maintenance offices not exceeding three hundred square feet in floor area may be provided with only one exit.

(g) Corridors shall be not less than six feet in width.

(h) In the event of power failure, exit illumination shall be automatically provided from an emergency system. Emergency systems shall be supplied from storage batteries or an on-site generator set and the system shall be installed in accordance with the requirements of the Electrical Code.

(i) Exit doors shall be openable from the inside with one motion and without the use of a key or any special knowledge or effort.

(j) An approved automatic and manual fire alarm system, supervised by an approved central, proprietary or remote station service, shall be provided in accordance with Article 14 of the Uniform Fire Code.

(k) Exits shall be provided as per the requirements for a Group I, Division 1.2 Occupancy.

(5) Nothing in this chapter affects the provisions of chapter 70.77 or 18.160 RCW, chapter 212-17 or 212-80 WAC.

#### NEW SECTION

**WAC 212-12-040 Fire evacuation plan.** All Group I, Group E, and Group R Occupancies shall develop a written fire evacuation plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Action to take for evacuation of the building and assuring accountability of the occupants.

(4) Action to take pending arrival of the fire department.

(5) An evacuation floor plan identifying exit doors and windows.

(6) In Group R, Division 1 Occupancies and Group R, Division 3 Occupancies used as transient accommodations, a copy of the written evacuation plan shall be posted in each guest room, preferably on the main exit door.

#### NEW SECTION

**WAC 212-12-044 Fire drills.** In all Group I, Group E, and Group R Occupancies, at least twelve planned fire drills shall be held every year. Drills shall be conducted quarterly on each shift in Group I Occupancies and monthly in Groups E and R Occupancies to familiarize personnel with signals and emergency action required under varied conditions. A detailed written record of all fire drills shall be maintained and available for inspection at all times. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency conditions. The local fire department shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 212-14-001

Application, protective signaling systems.

- WAC 212-14-005 Scope, protective signaling systems.
- WAC 212-14-010 Initiation of signal indication.
- WAC 212-14-015 System types.
- WAC 212-14-020 Signal indicating devices.
- WAC 212-14-025 Common requirements.
- WAC 212-14-030 Manual alarm initiation.
- WAC 212-14-035 Automatic detection and alarm initiation.
- WAC 212-14-040 Automatic smoke detection and alarm initiation.
- WAC 212-14-045 Extinguishing system alarm initiation.
- WAC 212-14-050 Extinguishing system supervisory signal initiation.
- WAC 212-14-055 Municipal fire department notification.
- WAC 212-14-060 Power supply.
- WAC 212-14-070 Alarm and supervision circuits.
- WAC 212-14-080 Manual sending stations.
- WAC 212-14-090 Alarm signal systems and functions.
- WAC 212-14-100 Application, automatic sprinklers and other extinguishing equipment.
- WAC 212-14-105 Scope, automatic sprinklers and other extinguishing equipment.
- WAC 212-14-110 Automatic sprinklers.
- WAC 212-14-115 Supervision.
- WAC 212-14-120 Other automatic extinguishing equipment.
- WAC 212-14-12001 Appendix A—Reference table.
- WAC 212-14-125 Manual extinguishing equipment.
- WAC 212-14-130 Automatic fire detection systems.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 212-26-001 Purpose.
- WAC 212-26-005 Definitions.
- WAC 212-26-010 Applicability.
- WAC 212-26-015 Compliance.
- WAC 212-26-020 Inspection.
- WAC 212-26-025 Approval.
- WAC 212-26-030 Right of appeal.
- WAC 212-26-035 Local codes.
- WAC 212-26-040 Standards.
- WAC 212-26-045 Construction requirements.
- WAC 212-26-050 Modernization or renovation.
- WAC 212-26-055 Additions.
- WAC 212-26-060 Design, operation.
- WAC 212-26-065 Smoke detection.
- WAC 212-26-070 Fire alarm.
- WAC 212-26-075 Emergency lighting.
- WAC 212-26-080 Sprinkler protection.
- WAC 212-26-085 Fire and evacuation plan.
- WAC 212-26-090 Smoke control.
- WAC 212-26-095 Fire drills.

- WAC 212-26-100 Equipment maintenance.
- WAC 212-26-105 Severability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 212-28-001 Purpose.
- WAC 212-28-010 Definitions.
- WAC 212-28-015 Applicability.
- WAC 212-28-020 Compliance.
- WAC 212-28-025 Inspection.
- WAC 212-28-030 Approval.
- WAC 212-28-035 Right of appeal.
- WAC 212-28-040 Local requirements.
- WAC 212-28-045 Standards.
- WAC 212-28-050 Construction requirements.
- WAC 212-28-055 Modernization or renovation.
- WAC 212-28-060 Additions.
- WAC 212-28-065 Mixed occupancies.
- WAC 212-28-070 Design, operation.
- WAC 212-28-075 Compartmentation.
- WAC 212-28-080 Smoke detection.
- WAC 212-28-085 Fire alarm.
- WAC 212-28-090 Sprinkler protection.
- WAC 212-28-095 Fire and evacuation plan.
- WAC 212-28-100 Fire drills.
- WAC 212-28-105 Equipment maintenance.
- WAC 212-28-110 Separability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 212-32-001 Purpose.
- WAC 212-32-005 Definitions.
- WAC 212-32-010 Applicability.
- WAC 212-32-015 Compliance.
- WAC 212-32-020 Inspection.
- WAC 212-32-025 Approval.
- WAC 212-32-030 Right of appeal.
- WAC 212-32-035 Local codes.
- WAC 212-32-040 Standards.
- WAC 212-32-045 Construction requirements.
- WAC 212-32-050 Modernization or renovation.
- WAC 212-32-055 Additions.
- WAC 212-32-060 Mixed occupancies.
- WAC 212-32-065 Design, operation.
- WAC 212-32-070 Compartmentation.
- WAC 212-32-075 Smoke detection.
- WAC 212-32-080 Fire alarm.
- WAC 212-32-085 Sprinkler protection.
- WAC 212-32-090 Fire and evacuation plan.
- WAC 212-32-095 Fire drills.
- WAC 212-32-100 Equipment maintenance.
- WAC 212-32-105 Separability.
- WAC 212-32-110 Emergency lighting and power.
- WAC 212-32-115 Carpeting.
- WAC 212-32-120 Smoke control.
- WAC 212-32-125 Corridor walls.
- WAC 212-32-130 Fire protection standards.

PERMANENT

WAC 212-32-135	Portable fire extinguishers.
WAC 212-32-140	Fire protection and fire prevention operating features.
WAC 212-32-145	Fire and incident reporting.
WAC 212-32-150	Exit sign illumination.
WAC 212-32-155	Extension cords.
WAC 212-32-160	Portable heaters.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-36-001	Purpose.
WAC 212-36-005	Definitions.
WAC 212-36-010	Applicability.
WAC 212-36-015	Compliance.
WAC 212-36-020	Inspection.
WAC 212-36-025	Approval.
WAC 212-36-030	Right of appeal.
WAC 212-36-035	Local requirements.
WAC 212-36-040	Standards.
WAC 212-36-045	Construction requirements.
WAC 212-36-050	Modernization or renovation.
WAC 212-36-055	Additions.
WAC 212-36-060	Mixed occupancies.
WAC 212-36-065	Design, operation.
WAC 212-36-070	Number of exits, separation.
WAC 212-36-075	Smoke detection.
WAC 212-36-080	Fire alarm.
WAC 212-36-085	Fire and evacuation plan.
WAC 212-36-090	Fire drills.
WAC 212-36-095	Equipment maintenance.
WAC 212-36-100	Separability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-40-001	Purpose.
WAC 212-40-005	Definitions.
WAC 212-40-010	Applicability.
WAC 212-40-015	Compliance.
WAC 212-40-020	Inspection.
WAC 212-40-025	Approval.
WAC 212-40-030	Right of appeal.
WAC 212-40-035	Local requirements.
WAC 212-40-040	Standards.
WAC 212-40-045	Construction requirements.
WAC 212-40-050	Modernization or renovation.
WAC 212-40-055	Additions.
WAC 212-40-060	Mixed occupancies.
WAC 212-40-065	Design, operation.
WAC 212-40-070	Smoke detection.
WAC 212-40-075	Fire alarm.
WAC 212-40-080	Sprinkler protection.
WAC 212-40-085	Occupancy limitations.
WAC 212-40-090	Fire and evacuation plan.
WAC 212-40-095	Fire drills.
WAC 212-40-100	Equipment maintenance.
WAC 212-40-105	Separability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-42-001	Purpose.
WAC 212-42-005	Definitions.
WAC 212-42-010	Applicability.
WAC 212-42-015	Compliance.
WAC 212-42-020	Inspection.
WAC 212-42-025	Approval.
WAC 212-42-030	Right of appeal.
WAC 212-42-035	Local codes.
WAC 212-42-040	Standards.
WAC 212-42-045	Construction requirements.
WAC 212-42-050	Modernization or renovation.
WAC 212-42-055	Additions.
WAC 212-42-060	Design, operation.
WAC 212-42-065	Compartmentation.
WAC 212-42-070	Smoke detection.
WAC 212-42-075	Fire alarm.
WAC 212-42-080	Emergency lighting.
WAC 212-42-085	Sprinkler protection.
WAC 212-42-090	Restrained clients.
WAC 212-42-095	Client release.
WAC 212-42-100	Locked exits.
WAC 212-42-105	Fire and evacuation plan.
WAC 212-42-110	Smoke control.
WAC 212-42-115	Fire drills.
WAC 212-42-120	Equipment maintenance.
WAC 212-42-125	Severability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-43-001	Purpose.
WAC 212-43-005	Applicability.
WAC 212-43-010	Definitions.
WAC 212-43-015	Compliance.
WAC 212-43-020	Inspection.
WAC 212-43-025	Approval.
WAC 212-43-030	Appeal of fire marshal action or order—Summary suspension of approval.
WAC 212-43-035	Local codes.
WAC 212-43-040	Client mobility and cognitive functions.
WAC 212-43-045	Standards.
WAC 212-43-050	Construction requirements.
WAC 212-43-055	Modernization or renovation.
WAC 212-43-060	Additions.
WAC 212-43-065	Design, operation.
WAC 212-43-070	Smoke detection.
WAC 212-43-075	Fire alarm.
WAC 212-43-080	Emergency lighting.
WAC 212-43-085	Carpeting.
WAC 212-43-090	Smoke control.
WAC 212-43-095	Number of exits, separation.
WAC 212-43-100	Fire and evacuation plan.
WAC 212-43-105	Fire drills.
WAC 212-43-110	Equipment maintenance.



WAC 212-43-115	Compartmentation.
WAC 212-43-120	Fire protection standards.
WAC 212-43-125	Portable fire extinguishers.
WAC 212-43-130	Fire protection and fire prevention operating features.
WAC 212-43-135	Severability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-45-001	Purpose.
WAC 212-45-005	Applicability.
WAC 212-45-010	Definitions.
WAC 212-45-015	Compliance.
WAC 212-45-020	Inspection.
WAC 212-45-025	Approval.
WAC 212-45-030	Appeal of fire marshal action or order—Summary suspension of approval.
WAC 212-45-035	Local codes.
WAC 212-45-040	Client mobility and cognitive functions.
WAC 212-45-045	Standards.
WAC 212-45-050	Construction requirements.
WAC 212-45-055	Modernization or renovation.
WAC 212-45-060	Additions.
WAC 212-45-065	Design, operation.
WAC 212-45-070	Smoke detection.
WAC 212-45-075	Means of escape.
WAC 212-45-080	Exit doors.
WAC 212-45-085	Interior finish.
WAC 212-45-090	Heating equipment.
WAC 212-45-095	Fire and evacuation plan.
WAC 212-45-100	Fire drills.
WAC 212-45-105	Portable fire extinguishers.
WAC 212-45-110	Fire protection and fire prevention operating features.
WAC 212-45-115	Severability.

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

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-52-001	Title.
WAC 212-52-002	Purpose.
WAC 212-52-005	Definitions.
WAC 212-52-012	Application and scope.
WAC 212-52-016	Occupancy classification.
WAC 212-52-018	Construction requirements.
WAC 212-52-020	Exemption from compliance with these regulations—Application, procedure, review.
WAC 212-52-025	Inspections.
WAC 212-52-027	Approval.
WAC 212-52-028	Denial of fire marshal approval.
WAC 212-52-030	Right of appeal.

WAC 212-52-037	Alternate methods.
WAC 212-52-041	Reporting fire incidents.
WAC 212-52-045	Hazardous areas.
WAC 212-52-050	Exit enclosures.
WAC 212-52-055	Other vertical openings.
WAC 212-52-060	Interior finish.
WAC 212-52-070	Corridors, guest room doors.
WAC 212-52-075	Fire alarm system.
WAC 212-52-080	Number of exits, arrangement, exit doors.
WAC 212-52-085	Access to exits.
WAC 212-52-090	Exit doors.
WAC 212-52-095	Exit signs.
WAC 212-52-100	Corridor lighting—Exit illumination.
WAC 212-52-105	Fire extinguishers.
WAC 212-52-110	Obstructions.
WAC 212-52-112	Control of hazardous conditions and practices.
WAC 212-52-115	Maintenance.
WAC 212-52-120	Emergency procedures plan.
WAC 212-52-125	Severability.
WAC 212-52-99001	Figure 1.
WAC 212-52-99002	Figure 2.

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

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-56A-001	Purpose.
WAC 212-56A-005	Definitions.
WAC 212-56A-010	Compliance required.
WAC 212-56A-015	Inspections and approval.
WAC 212-56A-020	Right of appeal.
WAC 212-56A-030	Occupancy restrictions.
WAC 212-56A-035	Hazardous areas.
WAC 212-56A-040	Single station smoke detectors.
WAC 212-56A-045	Alternate means of sounding a fire alarm.
WAC 212-56A-050	Fire extinguisher.
WAC 212-56A-055	Fire prevention.
WAC 212-56A-060	Sprinkler system maintenance.
WAC 212-56A-065	Fire evacuation plan.
WAC 212-56A-070	Fire evacuation drill.
WAC 212-56A-075	Staff training.
WAC 212-56A-080	Occupancy restrictions.
WAC 212-56A-085	Hazardous areas.
WAC 212-56A-090	Sleeping and napping rooms.
WAC 212-56A-095	Single station smoke detectors.
WAC 212-56A-100	Alternate method for alarm.
WAC 212-56A-105	Fire alarm system.
WAC 212-56A-110	Fire extinguisher.
WAC 212-56A-115	Fire prevention.
WAC 212-56A-120	Sprinkler system maintenance.
WAC 212-56A-125	Fire evacuation plan.
WAC 212-56A-130	Fire evacuation drill.
WAC 212-56A-135	Staff training.
WAC 212-56A-140	Alternate methods.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-64-001	Purpose.
WAC 212-64-005	Definitions.
WAC 212-64-015	Compliance required.
WAC 212-64-020	Inspections and approval.
WAC 212-64-025	Right of appeal.
WAC 212-64-030	Contact with local building and fire officials.
WAC 212-64-033	Occupancy restrictions.
WAC 212-64-035	Number and type of exits.
WAC 212-64-037	Sleeping room doors.
WAC 212-64-039	Windows for emergency egress or rescue.
WAC 212-64-040	Fire extinguishers.
WAC 212-64-043	Automatic detection system.
WAC 212-64-045	Fire alarm system.
WAC 212-64-050	Hazardous areas.
WAC 212-64-055	Fire prevention.
WAC 212-64-060	Maintenance.
WAC 212-64-065	Fire evacuation plan.
WAC 212-64-067	Fire evacuation drill.
WAC 212-64-068	Staff training.
WAC 212-64-069	Alternate methods.
WAC 212-64-070	Severability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-65-001	Purpose.
WAC 212-65-005	Definitions.
WAC 212-65-010	Compliance required.
WAC 212-65-015	Inspections and approval.
WAC 212-65-020	Right of appeal.
WAC 212-65-025	Contact with local building and fire officials.
WAC 212-65-030	Occupancy restrictions.
WAC 212-65-035	Hazardous areas.
WAC 212-65-040	Number and type of exits.
WAC 212-65-045	Sleeping room doors.
WAC 212-65-050	Windows for emergency egress or rescue.
WAC 212-65-055	Automatic detection system.
WAC 212-65-060	Fire alarm system.
WAC 212-65-065	Fire extinguishers.
WAC 212-65-070	Fire prevention.
WAC 212-65-075	Maintenance.
WAC 212-65-080	Fire evacuation plan.
WAC 212-65-085	Fire evacuation drill.
WAC 212-65-090	Staff training.
WAC 212-65-095	Alternate methods.
WAC 212-65-100	Severability.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 212-70-010	Purpose.
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WAC 212-70-020	Definitions.
WAC 212-70-030	Inspections and approval.
WAC 212-70-040	Right of appeal.
WAC 212-70-050	Contact with local building and fire officials.
WAC 212-70-060	Construction requirements—New construction.
WAC 212-70-070	Construction requirements—Existing facilities.
WAC 212-70-080	Design, operation.
WAC 212-70-090	Additions.
WAC 212-70-100	Mixed occupancies.
WAC 212-70-110	Interior stairway enclosure.
WAC 212-70-120	Other vertical openings.
WAC 212-70-130	Fire alarm.
WAC 212-70-140	Smoke detection system.
WAC 212-70-150	Automatic fire sprinkler system.
WAC 212-70-160	Windows in sleeping rooms.
WAC 212-70-170	Interior finish.
WAC 212-70-180	Exits.
WAC 212-70-190	Exit identification.
WAC 212-70-200	Emergency lighting.
WAC 212-70-210	Staff training.
WAC 212-70-220	Fire and evacuation plan.
WAC 212-70-230	Fire drills.
WAC 212-70-240	Maintenance.
WAC 212-70-250	Alternate methods.
WAC 212-70-260	Severability.

**WSR 93-05-038**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-383—Filed February 16, 1993, 4:05 p.m.]

In the matter of amending WAC 480-12-181 relating to tie downs for empty pole trailers.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 92-24-046, filed with the code reviser on November 25, 1992. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies 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).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 92-24-046, for 9:00 a.m., Wednesday January 6, 1993, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until December 23, 1992.

No written comments were received.

Oral comments were received at the time and place designated in the notice. Bob Boston of the commission staff described the reasons for the proposal. Thomas L.

Lunderville of L.T.J. Lunderville, Inc., and Philip J. Sisson of Freedom Manufacturing testified that the proposed amendment would require a method of fastening that would not work properly on their vehicles. The commission continued the matter for comment and adoption to January 13, 1993, at the same time and place; on January 13, 1993, the commission further continued the matter to January 20, 1993, at the same time and place.

The commission received further oral comments and considered the rule change proposal for adoption at its regularly scheduled open public meeting on January 20, 1993, before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner A. J. Pardini. Bob Boston of the commission staff commented that commission staff met with Mr. Lunderville and Mr. Sisson on January 6, 1993, and as a result of that meeting proposed changing the noticed text, to provide for an alternative tie-down method. Don Lewis of the commission staff presented a diagram explaining the two tie-down methods. There were no comments from the public.

The commission adopted the proposal with the alternative tie-down methods recommended by commission staff.

The following changes were made between the text of the amendments issued pursuant to Notice No. WSR 92-24-046 and the text finally adopted by the commission:

The noticed text stated, in pertinent part: "The chain shall be securely fastened at the forward point on the reach tunnel to a point on the truck-tractor frame." The changed text clarifies the wording and adds an alternative tie-down method; it states: "The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember." The commission adopted the change to provide practical alternative ways to advance public safety interests.

The rule will not have an economic impact on more than 20% of all industries nor on more than 10% of any one industry.

In reviewing the entire record, the commission determines that WAC 480-12-181 should be amended to read as set forth in Appendix A, shown below and included in it by this reference.

#### ORDER

The commission orders that WAC 480-12-181 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.080(2).

The commission further orders that this order and the attached rule, after 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 12th day of February 1993.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

#### APPENDIX "A"

AMENDATORY SECTION (Amending Order R-327, Docket No. TV-900576, filed 8/10/90, effective 9/10/90)

**WAC 480-12-181 Pole trailers.** (1) Welded reach extension prohibited. No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(2) Damaged reach. No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(3) Empty pole trailers. Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-trailer frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

#### WSR 93-05-044

#### PERMANENT RULES

#### DEPARTMENT OF ECOLOGY

[Order 92-34—Filed February 17, 1993, 10:35 a.m.]

Date of Adoption: February 16, 1993.

Purpose: The purpose of the amendments is to comply with the Clean Air Washington Act and to incorporate the state's upcoming operating permit rule.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-075, 173-400-115 and 173-400-230, general regulations for sources of air pollution.

Statutory Authority for Adoption: Chapter 70.94 RCW, Clean Air Act of Washington.

Pursuant to notice filed as WSR 93-03-065 on January 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants (NESHAPS), ecology changed language in 400, such as EPA adoption dates, to maximize consistency with federal requirements; WAC 173-400-115 Standards of performance for new sources (NSPS), ecology changed definitions of "source" and "stationary source" in 400 to ensure that those two terms met the EPA requirements for the applicable programs (NSPS, PSD, etc.) and that the terms were then utilized correctly throughout chapter 173-400 WAC; and WAC 173-400-230 Regulatory actions, strictly editing changes.

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

February 16, 1993  
 Mary Riveland  
 Director

Sections Proposed for Adoption

Chapter 173-400 WAC  
 General Regulations for Sources of Air Pollution

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants.** (1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) (~~prior to July 1, 1989~~) as in effect on date of adoption, as contained in Title 40, Code of Federal Regulations, Part 61, are adopted by reference. The term "administrator" in 40 CFR Part 61 shall mean both the administrator of EPA and the director of ecology.

(2) Ecology or the authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants (~~registered~~) regulated under 40 CFR Part 61 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants such as: Asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to (~~July 1, 1989~~) January 1, 1993.

(4) This section shall not apply to any source operating pursuant to a waiver granted by EPA or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-115 Standards of performance for new sources.** Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as (~~promulgated prior to July 1, 1989~~) in effect on January 1, 1993, is adopted by reference except for sections 60.5 (determination of construction or modification) and 60.6 (review of plans). The term "administrator" in 40 CFR Part 60 shall mean both the administrator of EPA and the director of ecology.

~~((1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. Such review under the state program is mandatory and an order of approval is required prior to construction, installation or establishment of a new source.~~

~~(2))~~ As of (~~July 1, 1989~~) January 1, 1993, the federal regulations adopted by reference hereby set standards of

performance affecting facilities for the following described subparts of 40 CFR Part 60:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart Dc Small industrial-commercial-institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart L Secondary lead smelters
- Subpart M Brass and bronze ingot production plants
- Subpart N Iron and steel plants
- Subpart O Sewage treatment plants
- Subpart P Primary copper smelters
- Subpart Q Primary zinc smelters
- Subpart R Primary lead smelters
- Subpart S Primary aluminum reduction plants
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants
- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities
- Subpart Y Coal preparation plants

PERMANENT

Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces
Subpart AAA	<u>Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels</u>
Subpart BB	Kraft pulp mills
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart EE	Industrial surface coating: Metal furniture
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants
Subpart KK	Lead-acid ( <del>batteries</del> ) <u>battery plants</u>
Subpart LL	Metallic mineral processing plants
Subpart MM	Automobile and light duty truck surface coating operations
Subpart NN	Phosphate rock plants
Subpart PP	Ammonium sulfate manufacture
Subpart QQ	Publication rotogravure printing
Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart SS	Industrial surface coating: Large appliances
Subpart TT	Industrial surface coating: Metal coils
Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart VV	SOCMI equipment leaks (VOC)
Subpart WW	Beverage can surface coating operations
Subpart XX	Bulk gasoline terminals
Subpart AAA	New residential wood heaters
Subpart BBB	<u>Rubber tire manufacturing industry</u>
Subpart DDD	<u>VOC emissions from the polymer manufacturing industry</u>
Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart HHH	Synthetic fiber production facilities
Subpart III	<u>VOC emissions from SOCMI air oxidation unit processes</u>
Subpart JJJ	Petroleum dry cleaners
Subpart KKK	<u>Equipment leaks of VOC from onshore natural gas processing plants</u>
Subpart LLL	<u>Onshore natural gas processing; SO<sub>2</sub> emissions</u>
Subpart NNN	<u>VOC emissions from SOCMI distillation operations</u>
Subpart PPP	Wool fiberglass insulation manufacturing plants
Subpart QQQ	<u>VOC emissions from petroleum refinery wastewater emissions</u>
Subpart SSS	<u>Magnetic tape coating facilities</u>
Subpart TTT	<u>Industrial surface coating: Surface coating of plastic parts for business machines</u>
Subpart VVV	<u>Polymeric coating of supporting substrates facilities</u>

the energy facility site evaluation council (EFSEC) in Title 463 WAC.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-230 Regulatory actions.** Ecology may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 43.21B.300 which is incorporated by reference.

~~((1) **Notice of violation.** Whenever ecology has reason to believe that any provision of this chapter has been violated, it may cause written notice (either by certified mail with return receipt requested or by personal service) to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.~~

~~((2) **Civil penalty.** Any person who violates any of the provisions of this chapter shall be subject to a penalty in the form of a fine in an amount not to exceed one thousand dollars per day for each violation. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from personnel of ecology or an authority, describing the violation with reasonable detail. Further, the person is subject to a fine of up to five thousand dollars to be levied by the director if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. The maximum daily fine imposed for violation of standards by a specific emissions unit is five thousand dollars. Upon written application submitted to ecology within fifteen days after notice has been received the director may remit or mitigate the penalty upon such terms as the director deems proper and when deemed in the best interest to carry out the purpose of this chapter. The mitigation shall not affect or reduce the penalty imposed by the local board. The maximum daily fine that may be imposed upon any emissions unit for violation of any opacity standard is four hundred dollars.))~~

(1) **Enforcement actions by ecology—Notice to violators.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, ecology may require that the alleged violator or violators appear before it for the purpose of providing ecology information pertaining to the violation or the charges complained of. Every notice of violation shall offer to the alleged violator an opportunity to meet with ecology prior to the commencement of enforcement action.

(2) **Civil penalties.**

(a) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty

~~((Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference.))~~

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by

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in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(d) All penalties recovered under this section by ecology shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by ecology under subsection (a) of this section shall be reduced by the amount of the payment.

(e) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(f) Public or private entities that are recipients or potential recipients of ecology grants, whether for air quality related activities or not, may have such grants rescinded or withheld by ecology for failure to comply with provisions of this chapter.

(g) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

**(3) Assurance of discontinuance.** Personnel of ecology or an authority may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

**(4) Restraining orders, injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the

superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

**(5) Emergency episodes.** Ecology may issue such orders as authorized by chapter 173-435 WAC via chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

**(6) Compliance orders.** Ecology may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

**WSR 93-05-045**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Order 334—Filed February 17, 1993, 10:36 a.m.]

Date of Adoption: February 10, 1993.

Purpose: Establishes fees for temporary license and makes changes where fees were incorrectly stated.

Citation of Existing Rules Affected by this Order: Amending WAC 246-907-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 93-01-146 on December 23, 1992.

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

February 10, 1993

Kristine M. Gebbie

Secretary

**AMENDATORY SECTION** (Amending Order 256, filed 3/18/92, effective 4/18/92)

**WAC 246-907-030 Fees.** The following fees shall be charged by the professional licensing division of the department of health:

<b>(a) PHARMACY LOCATION</b>	
Original pharmacy fee	\$275.00
Original pharmacy assistant utilization fee	50.00
Renewal pharmacy fee	200.00
Renewal pharmacy assistant utilization fee	60.00
Penalty pharmacy fee	275.00
<b>(b) VENDOR</b>	
Original fee	60.00
Renewal fee	60.00
Penalty fee	60.00
<b>(c) PHARMACIST</b>	
Exam fee (full exam)	200.00
Reexamination fee (jurisprudence portion)	40.00
Original license fee	100.00
Renewal fee, active and inactive license	105.00
Renewal fee, retired license	( <del>25.00</del> )
	<u>20.00</u>
Penalty fee	105.00

Reciprocity fee	250.00	Sodium pentobarbital for animal euthanization registration fee	30.00
Certification of license status to other states	20.00	Sodium pentobarbital for animal euthanization renewal fee	30.00
Retired license	20.00	Other CSA registrations	30.00
<u>Temporary permit</u>	<u>50.00</u>		
(d) SHOPKEEPER		(l) LEGEND DRUG SAMPLE - distributor registration fees	
(i) SHOPKEEPER - sixteen or more drugs		Original fee	275.00
Original fee	25.00	Renewal fee	200.00
Renewal fee	25.00	Penalty fee	200.00
Penalty fee	12.50		
(ii) SHOPKEEPER - with differential hours		(m) POISON MANUFACTURER/SELLER - license fees	
Original fee	25.00	Original fee	30.00
Renewal fee	25.00	Renewal fee	30.00
Penalty fee	10.00		
(e) DRUG MANUFACTURER		(n) Facility inspection fee	150.00
Original fee	450.00		
Renewal fee	450.00	(o) PRECURSOR CONTROL PERMIT	
Penalty fee	450.00	Original fee	50.00
		Renewal fee	50.00
(f) DRUG WHOLESALER - full line		(p) LICENSE REISSUE	
Original fee	450.00	Reissue fee	15.00
Renewal fee	450.00		
Penalty fee	450.00		
(g) DRUG WHOLESALER - OTC only			
Original fee	250.00		
Renewal fee	250.00		
Penalty fee	250.00		
(h) DRUG WHOLESALER - export			
Original fee	450.00		
Renewal fee	450.00		
Penalty	450.00		
(i) PHARMACY ASSISTANT - Level "A"			
Original fee	40.00		
Renewal fee	30.00		
Penalty fee	<del>(30.00)</del>		
	<u>40.00</u>		
(j) PHARMACY INTERN			
Original registration fee	15.00		
Renewal registration fee	15.00		
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS			
Dispensing registration fee (i.e. pharmacies)	65.00		
Dispensing renewal fee (i.e. pharmacies)	50.00		
Distributors registration fee (i.e. wholesalers)	90.00		
Distributors renewal fee (i.e. wholesalers)	90.00		
Manufacturers registration fee	90.00		
Manufacturers renewal fee	90.00		
Physician assistant registration fee	15.00		
Physician assistant renewal fee	10.00		
ARNP with prescriptive authorization registration fee	20.00		
ARNP with prescriptive authorization renewal fee	20.00		

**WSR 93-05-046**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)

[Order 333B—Filed February 17, 1993, 10:37 a.m.]

Date of Adoption: January 22, 1993.

Purpose: Restricts products which contain ephedrine, which is a drug used in making illegal drugs, and exempts certain products.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-24-078 on December 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: Changes in list of products exempted to reflect additional and different products.

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

February 10, 1993

Donald Hobbs

Board Chairman

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-883-030 Ephedrine prescription restrictions.** (1) The board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, as a legend drug subject to the restrictions of RCW 69.41.030.

(2) The following products containing ephedrine or its salts are ~~((exempted from the provisions of this regulation))~~ exempt from subsection (1) of this section:

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<del>(1. AMORDRINE tablet (Searle)</del>	<del>25 mg. (as racemic hydrochloride)</del>
<del>2. BRONITIN tablet (Whitehall)</del>	<del>24 mg. ephedrine</del>
<del>3. BRONKAID tablet (Breon)</del>	<del>24 mg. (as sulfate)</del>
<del>4. BRONKOTABS tablet (Breon)</del>	<del>24 mg. (as sulfate)</del>
<del>5. CALCIDRINE SYRUP (Abbott)</del>	<del>4.2 mg/5cc HCl</del>
<del>6. HISTADYL EC (Lilly)</del>	<del>ephedrine hydrochloride, 30 mg/30 ml</del>
<del>7. HISTIVITE D (Vitarine)</del>	<del>ephedrine sulfate, 30 mg/30 ml</del>
<del>8. NYQUIL (Vicks)</del>	<del>ephedrine sulfate, 8 mg/30 ml</del>
<del>9. PRIMATINE M tablet (Whitehall)</del>	<del>24 mg. (as hydrochloride)</del>
<del>10. QUELIDRINE (Abbott)</del>	<del>ephedrine hydrochloride, 5 mg/5 ml</del>
<del>11. QUIET NITE (Rexall)</del>	<del>ephedrine sulfate, 10 mg/30 ml</del>
<del>12. VERAQUAD tablet suspension (Knoll)</del>	<del>24 mg. tablet, 12 mg/5 ml (as hydrochloride))</del>
<u>TRADE NAME</u>	<u>EPHEDRINE CONTENT</u>

<u>1. AMESAC capsule (Russ)</u>	<u>25 mg. ephedrine HCL</u>
<u>2. AZMA AID tablet (Various, eg Purepac)</u>	<u>24 mg. ephedrine HCL</u>
<u>3. BRONC-EASE PLUS (Natur-Pharma)</u>	<u>25 mg. ephedrine HCL</u>
<u>4. BRONITIN tablet (Whitehall)</u>	<u>24 mg. ephedrine HCL</u>
<u>5. BRONKAID tablet (Breon)</u>	<u>24 mg. ephedrine sulfate</u>
<u>6. BRONKOLIXER (Sterling Winthrop)</u>	<u>12 mg. ephedrine</u>
<u>7. BRONKOTABS tablet (Breon)</u>	<u>24 mg. ephedrine sulfate</u>
<u>8. EFEDRON nasal jelly (Hyrex)</u>	<u>0.6% ephedrine HCL in 20 g.</u>
<u>9. MINI THINS asthma relief (BDI Pharmaceuticals)</u>	<u>25 mg. ephedrine</u>
<u>10. PAZO HEMORRHOID suppository (Bristol-Meyers)</u>	<u>3.86 mg. ephedrine sulfate</u>
<u>11. PAZO HEMORRHOID ointment (Bristol-Meyers)</u>	<u>0.2% ephedrine sulfate</u>
<u>12. PRIMATENE tablet (Whitehall)</u>	<u>24 mg. ephedrine HCL</u>
<u>13. PRIMATENE M tablet (Whitehall)</u>	<u>24 mg. ephedrine HCL</u>
<u>14. PRIMATENE P tablet (Whitehall)</u>	<u>24 mg. ephedrine HCL</u>
<u>15. QUELIDRINE (Abbott)</u>	<u>5 mg. ephedrine HCL</u>
<u>16. TEDRAL tablet (Parke-Davis)</u>	<u>24 mg. ephedrine HCL</u>

<u>17. THEODRINE tablet (Rugby)</u>	<u>25 mg. ephedrine HCL</u>
<u>18. VATRONOL nose drops (Vicks Health Care)</u>	<u>0.5% ephedrine sulfate</u>

Any reformulation of listed products which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or 25 mg. per 5 ml. of liquid forms shall negate the exemption. The manufacturers of listed products shall notify the board of any reformulation which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or 25 mg. per 5 ml. of liquid forms prior to distributing that product in the state of Washington.

(3) Manufacturers of products containing 25 mg. or less of ephedrine in combination with other ingredients in therapeutic amounts for solid dosage unit or 25 mg. or less per 5 ml. of liquid forms may gain exemption from subsection (1) of this section if, prior to the distributing of any such product in the state of Washington, the manufacturer:

(a) Provides the board with the formulation of any such product;

(b) Provides the board samples of all dosage forms in which the product is to be marketed in the packaging in which the product is to be marketed; and

(c) Receives the board's approval to market such product.



**WSR 93-05-006**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 93-03—Filed February 4, 1993, 2:22 p.m., effective February 10, 1993, 12:01 a.m.]

Date of Adoption: February 4, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-073 [220-52-07300M].

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 red sea urchin quota will have been met. A limited number of green sea urchins are available for harvest.

Effective Date of Rule: February 10, 1993, 12:01 a.m.  
February 4, 1993

Judith Freeman  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-52-07300N Sea urchins** Notwithstanding the provisions of WAC 220-52-073, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in the following subsection:

(1) Sea Urchin District 3 and Marine Fish/Shellfish Catch Reporting Area 25A are open through February 10, 1993. Harvest is allowed Monday through Wednesday only for red sea urchins between 3.5 - 5.25 inches in diameter exclusive of the spines.

(2) Red sea urchins may only be landed in Sea Urchin District 3 and Marine Fish/Shellfish Catch Reporting Area 25A, 25B and 25D.

(3) Sea Urchin Districts 1, 2, 3, and Marine Fish/Shellfish Catch Reporting Areas 26D and 28A are open for green sea urchins with shellfish diver gear until a quota of 600,000 pounds is reached. Harvest is allowed Monday through Wednesday only for green sea urchins greater than 2.25 inches in diameter exclusive of the spines.

(4) No other shellfish may be taken, fished for or possessed during green sea urchin fishing operations, except that in those areas open to red sea urchin harvest, red sea urchins may be taken and possessed. No red sea urchins may be possessed during diving operations in any area closed to red sea urchin harvest.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300M Sea urchins.

**WSR 93-05-017**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 93-04—Filed February 9, 1993, 2:26 p.m., effective February 16, 1993, noon]

Date of Adoption: February 9, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-33-01000M.

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 spring chinook salmon are available in the Columbia River. This rule is consistent with the actions of the January 28, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: February 16, 1993, noon.

February 9, 1993  
Judith Freeman  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-33-01000N Columbia River salmon seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, and that portion of SCMRA 1D downstream from Kelley Point at the mouth of the Willamette River, except as provided in the following subsections.

**FISHING PERIODS**

(1) noon February 16 to 6:00 p.m. February 19, 1993.  
noon February 22 to 6:00 p.m. February 26, 1993.

**GEAR**

(2) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:

- (a) exceeds 1,500 feet in length along the corkline;
- (b) is constructed of monofilament webbing;
- (c) has webbing with a mesh size of less than 8 inches or more than 9-1/4 inches; or

(d) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net.

(3) It is unlawful to gaff a sturgeon.

(4) White sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measured while the fish is lying on its side on a flat surface with its tail in a normal position.

**SANCTUARIES**

PERMANENT

(5) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

- (a) Grays Bay
- (b) Elokommin-A
- (c) Kalama-A
- (d) Lewis-A
- (e) Cowlitz
- (f) Gnat Creek

**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.

MBE and WBE participation when the contract price is within 5% or \$5,000.00 of the lowest otherwise responsive bid (determined without regard to participation).

### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon February 16, 1993:

WAC 220-33-01000M Columbia River salmon seasons below Bonneville. (92-135)

**WSR 93-05-037**  
**EMERGENCY RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**

[Filed February 16, 1993, 3:17 p.m.]

Date of Adoption: February 11, 1993.

Purpose: To restore a dollar limitation on the process by which agencies are permitted to consider awards to other than the lowest bidder.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 326-40-010.

Statutory Authority for Adoption: RCW 39.19.030(7).

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 absence of a dollar limitation exposes the state to the potential for significant increase in costs on several imminent high value contracts and procurements. This emergency action enables the state to retain control of costs and continue its contracting and procurement activities while a study is conducted to determine the economic impact of changing or eliminating the limitation.

Effective Date of Rule: Immediately.

February 11, 1993  
 James A. Medina

AMENDATORY SECTION (Amending WSR 92-20-124, filed 10/7/92, effective 11/7/92)

**WAC 326-40-010 Criteria for bid specifications—Monetary value.** Where a contract for the purchase of goods or services is to be awarded on the basis of competitive bidding and includes goals for MBE and WBE participation, the award shall be made on the basis of the level of

**WSR 93-05-001**  
**RULES COORDINATOR**  
**DEPARTMENT OF WILDLIFE**  
[Filed February 3, 1993, 4:25 p.m.]

Pursuant to the provisions of RCW 34.05.310(3), I hereby designate Richard Poelker as the Department of Wildlife's official rules coordinator. Mr. Poelker's mailing address is 600 Capitol Way North, Olympia, WA 98501-1091, Mailstop 3200. Mr. Poelker's telephone number is (206) 753-2921 or SCAN 234-2921.

Curt Smith  
Director

**WSR 93-05-002**  
**NOTICE OF PUBLIC MEETINGS**  
**CONSERVATION AND**  
**RENEWABLE ENERGY SYSTEM**  
[Filed February 2, 1993, 9:50 a.m.]

Please consider this official notification of the regular meeting place and time for the Conservation and Renewable Energy System, a Washington State JOA, as follows: The Thursday prior to the third Friday of each month at 10:00 a.m.

January through May at the Washington State Grange Offices, 924 South Capitol Way, Olympia.

June at the Radisson Hotel, 17001 Pacific Highway South, Seattle.

July at the NWPPA offices, 9817 N.E. 54th Street, Vancouver.

August through December at the Radisson Hotel, 17001 Pacific Highway South, Seattle, WA.

**WSR 93-05-003**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—February 4, 1993]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, February 18, 1993, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

**WSR 93-05-005**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
(Fire Protection Services Division)  
[Memorandum—February 4, 1993]

**FIRE PROTECTION POLICY BOARD MEETINGS**  
**AND WORK SESSIONS FOR 1993**

January 20	Work Session	1 p.m. to 4 p.m.	Olympia
January 21	Full Board Meeting	9 a.m. to 3 p.m.	Olympia
March 17	Work Session	1 p.m. to 4 p.m.	Olympia
March 18	Full Board Meeting	9 a.m. to 3 p.m.	Olympia
May 26	Full Board Meeting (Annual Meeting)	9 a.m. to 3 p.m.	Wenatchee

July 21	Work Session	1 p.m. to 4 p.m.	Oak Harbor
July 22	Full Board Meeting	9 a.m. to 3 p.m.	Oak Harbor
September 22	Work Session	1 p.m. to 4 p.m.	Spokane
September 23	Full Board Meeting	9 a.m. to 3 p.m.	Spokane
November 17	Work Session	1 p.m. to 4 p.m.	SeaTac
November 18	Full Board Meeting	9 a.m. to 3 p.m.	SeaTac

The meetings on January 20th and 21st will be held at the Ramada Inn Governor House, Olympia.

The meetings on March 17th and 18th will be held at the Ramada Inn Governor House, Olympia.

The meeting on May 26th will be held at the Wenatchee Convention Center, Wenatchee.

The meetings on July 21st and 22nd will be held at the Coachman Inn, Oak Harbor.

The meetings on September 22nd and 23rd will be held at the Red Lion Inn, Spokane.

The meetings on November 17th and 18th will be held at the Wyndham Garden Hotel, SeaTac.

**WSR 93-05-008**  
**RULES COORDINATOR**  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Filed February 5, 1993, 10:37 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Employment Security Department is John D. Nemes, 212 Maple Park, Mailstop 6000, Olympia, WA 98504-9046. His telephone number is (206) 438-4002 or SCAN 439-4002.

Teresa M. Morris, Director  
Office of Management Review

**WSR 93-05-011**  
**RULES COORDINATOR**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Memorandum—February 4, 1993]

As required by RCW 34.05.310, pleased be advised that the Transportation Improvement Board's rules coordinator is Donna Laing. She can be reached at (206) 753-7198. Our mailing address is P.O. Box 40901, Olympia, WA 98504-0901.

Jerry Fay  
Executive Director

**WSR 93-05-012**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**  
[Memorandum—January 27, 1993]

The commission meeting originally scheduled for Tuesday, February 9, has been rescheduled for Tuesday, February 23, 1993, 1:30-2:30 p.m. in the Governor's Conference Room, Legislative Building, Olympia.

MISCELLANEOUS

**WSR 93-05-014**  
**RULES COORDINATOR**  
**DEPARTMENT OF FISHERIES**  
[Filed February 9, 1993, 1:10 p.m.]

The rules coordinator for the Department of Fisheries is Evan S. Jacoby, Field Services Division, P.O. Box 43147, Olympia, WA 98504-3147, (206) 902-2930, SCAN 902-2930.

This notice is given pursuant to RCW 34.05.310.

Judith Merchant  
Deputy  
for Robert Turner  
Director

**WSR 93-05-024**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF NATURAL RESOURCES**  
(Board of Natural Resources)  
[Memorandum—February 11, 1993]

**NOTICE OF REGULAR MEETING AND TOUR OF LA CONNER HARBOR AREA**

The Board of Natural Resources will hold a regular meeting on Tuesday, March 2, 1993, at 9 a.m. in Conference Room 172 in the Natural Resources Building, 1111 Washington Street S.E., Olympia.

The regular meeting of the Board of Natural Resources on March 2 will adjourn following completion of the foregoing business to La Conner for a tour by the Harbor Line Commission. The commission will gather at 509 South First Avenue at approximately 12 p.m.

**WSR 93-05-025**  
**RULES COORDINATOR**  
**BUILDING CODE COUNCIL**  
[Filed February 11, 1993, 4:00 p.m.]

The purpose of this memorandum is to notify you that William E. O'Neil, Jr. is hereby designated as the rules coordinator for the Washington State Building Code Council. Mr. O'Neil is the Unit Manager for the council. His address is as follows: William E. O'Neil, Jr., Unit Manager, Washington State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-0486.

Gene Colin  
Chair

**WSR 93-05-026**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
[Memorandum—February 4, 1993]

The Seattle Community College District board of trustees will hold a special meeting on Wednesday, February 17, 1993, from 3:00 to 6:00 p.m., in Conference Room D of the Siegal Center, 1500 Harvard, Seattle, WA 98122.

**WSR 93-05-027**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Commission)  
[Memorandum—February 11, 1993]

Thursday, March 11, 1993, 4:00 p.m., the Washington State Library Commission will meet for a staff briefing in the Office of the State Librarian, Capitol Campus, Olympia, Washington.

Friday, March 12, 1993, 10:00 a.m., the Washington State Library Commission will hold its regular business meeting in the meeting room, Timberland Regional Service Center, 415 Airdustrial Way S.W., Olympia, WA.

**WSR 93-05-030**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Commission)  
[Memorandum—February 11, 1993]

The public hearings on the LSCA long range plan are as follows:

Wednesday, February 17	1:00 - 4:00 p.m.	Seattle Library for the Blind and Physically Handicapped
Thursday, February 18	9:00 a.m. - 12:00 p.m.	Olympia Timberland Regional Library
Wednesday, March 24	1:00 - 4:00 p.m.	Yakima - Yakima Holiday Inn, Ballroom A
Thursday, March 25	1:00 - 4:00 p.m.	Spokane - Gonzaga University, Foley Center, Library Instruction Classroom, Room 159

**WSR 93-05-033**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND COMMUNITY COLLEGE**  
[Memorandum—February 10, 1993]

The board of trustees of Community College District 24 will hold a "special" meeting of the board, on Friday, February 26, 1993, 2:30 p.m., Boardroom, Building 25.

**WSR 93-05-034**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
[Memorandum—February 8, 1993]

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

MISCELLANEOUS

Faculty Meetings

Meeting Dates	Location	Time
January 27, 1993	B316 HSB	12:30
February 24, 1993	B316 HSB	12:30
March 24, 1993	B316 HSB	12:30
April 28, 1993	B316 HSB	12:30
May 26, 1993	B316 HSB	12:30
June 23, 1993	B316 HSB	12:30
July 28, 1993	B316 HSB	12:30
August 25, 1993	B316 HSB	12:30
September 22, 1993	B316 HSB	12:30
October 27, 1993	B316 HSB	12:30
November 24, 1993	B316 HSB	12:30
December 22, 1993	B316 HSB	12:30

**WSR 93-05-035**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**MARINE SAFETY**  
 [Memorandum—February 16, 1993]

The meeting of the Regional Marine Safety Committee for the Strait of Juan de Fuca/Northern Puget Sound scheduled for April 14, 1993, will begin at 12 noon at Foss Maritime, 660 West Ewing, Seattle, WA.

**WSR 93-05-036**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—February 12, 1993]

The Washington State Human Rights Commission will hold its March regular commission meeting in Spokane on March 24 and 25, 1993. The meeting on March 24, will be held at the City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on March 25, will be held at the City Hall, 5th Floor Conference Room, West 808 Spokane Falls Boulevard, Spokane, from 9:30 a.m. to 11:30 a.m., and at the City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, beginning at 1:30 p.m.

**WSR 93-05-049**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—February 17, 1993]

Board of Trustees Meeting  
 Thursday, February 18, 1993  
 Sno-King Building, Room 103  
 (7:00 - 9:40)

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 93-05-050**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**  
 [Memorandum—February 11, 1993]

The May and June 1993 board of trustees meetings at Tacoma Community College, District 22, have been changed to the following dates:

May 13, 1993	Changed to May 20, 1993
June 10, 1993	Changed to June 17, 1993

**WSR 93-05-051**  
**RULES COORDINATOR**  
**BELLEVUE COMMUNITY COLLEGE**  
 [Filed February 17, 1993, 10:51 a.m.]

As required by RCW 34.05.310(3), the designated rules coordinator for Bellevue Community College, Community College District VIII will be: Elise Erickson, Executive Assistant and Secretary to the President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

MISCELLANEOUS



**Table of WAC Sections Affected**

**KEY TO TABLE**

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.

**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

**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 identify the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-10-010	NEW-P	93-04-113	132G-116-060	REP	93-02-063	132J-108-020	AMD	93-04-022
16-10-020	NEW-P	93-04-113	132G-116-080	AMD	93-02-063	132J-108-050	AMD	93-04-022
16-10-030	NEW-P	93-04-113	132G-116-090	AMD	93-02-063	132J-120-010	REP	93-04-022
16-228-900	REP-P	93-04-114	132G-116-095	NEW	93-02-063	132J-120-020	REP	93-04-022
16-228-905	NEW-P	93-04-114	132G-116-100	REP	93-02-063	132J-120-030	REP	93-04-022
16-228-910	NEW-P	93-04-114	132G-116-105	NEW	93-02-063	132J-120-040	REP	93-04-022
16-228-915	NEW-P	93-04-114	132G-116-110	REP	93-02-063	132J-120-050	REP	93-04-022
16-228-920	NEW-P	93-04-114	132G-116-115	NEW	93-02-063	132J-120-060	REP	93-04-022
16-228-925	NEW-P	93-04-114	132G-116-120	REP	93-02-063	132J-120-070	REP	93-04-022
16-228-930	NEW-P	93-04-114	132G-116-125	NEW	93-02-063	132J-120-080	REP	93-04-022
16-400-210	AMD-E	93-04-078	132G-116-130	REP	93-02-063	132J-120-090	REP	93-04-022
16-400-210	AMD-P	93-04-103	132G-116-135	NEW	93-02-063	132J-120-100	REP	93-04-022
16-409-015	AMD-W	93-05-022	132G-116-140	REP	93-02-063	132J-120-110	REP	93-04-022
16-409-065	REP-W	93-05-022	132G-116-145	NEW	93-02-063	132J-120-120	REP	93-04-022
16-409-075	AMD-W	93-05-022	132G-116-150	REP	93-02-063	132J-120-130	REP	93-04-022
16-555-010	AMD-P	93-04-094	132G-116-155	NEW	93-02-063	132J-125-010	NEW	93-04-022
16-555-020	AMD-P	93-04-094	132G-116-160	REP	93-02-063	132J-125-020	NEW	93-04-022
16-674-002	REP	93-03-079	132G-116-170	REP	93-02-063	132J-125-030	NEW	93-04-022
16-674-010	AMD	93-03-079	132G-116-175	NEW	93-02-063	132J-125-055	NEW	93-04-022
16-674-020	REP	93-03-079	132G-116-180	REP	93-02-063	132J-125-060	NEW	93-04-022
16-674-060	NEW	93-03-079	132G-116-185	NEW	93-02-063	132J-125-065	NEW	93-04-022
16-674-070	NEW	93-03-079	132G-116-190	REP	93-02-063	132J-125-070	NEW	93-04-022
16-674-080	NEW	93-03-079	132G-116-195	NEW	93-02-063	132J-125-075	NEW	93-04-022
16-674-090	NEW	93-03-079	132G-116-200	REP	93-02-063	132J-125-080	NEW	93-04-022
16-674-100	NEW	93-03-079	132G-116-205	NEW	93-02-063	132J-125-085	NEW	93-04-022
50-48-100	AMD-P	93-05-052	132G-116-210	REP	93-02-063	132J-125-090	NEW	93-04-022
51-13-101	AMD	93-02-056	132G-116-215	NEW	93-02-063	132J-125-095	NEW	93-04-022
51-13-202	AMD	93-02-056	132G-116-220	REP	93-02-063	132J-125-100	NEW	93-04-022
51-13-300	AMD	93-02-056	132G-116-225	NEW	93-02-063	132J-125-105	NEW	93-04-022
51-13-302	AMD	93-02-056	132G-116-230	REP	93-02-063	132J-125-110	NEW	93-04-022
51-13-303	AMD	93-02-056	132G-116-235	NEW	93-02-063	132J-125-115	NEW	93-04-022
51-13-304	AMD	93-02-056	132G-116-240	REP	93-02-063	132J-125-120	NEW	93-04-022
51-13-401	AMD	93-02-056	132G-116-245	NEW	93-02-063	132J-125-125	NEW	93-04-022
51-13-402	AMD	93-02-056	132G-116-250	REP	93-02-063	132J-125-130	NEW	93-04-022
51-13-502	AMD	93-02-056	132G-116-255	NEW	93-02-063	132J-125-135	NEW	93-04-022
51-13-503	AMD	93-02-056	132G-116-260	REP	93-02-063	132J-125-140	NEW	93-04-022
98-60-010	NEW-P	93-03-063	132G-116-265	NEW	93-02-063	132J-125-145	NEW	93-04-022
98-60-020	NEW-P	93-03-063	132G-116-270	AMD	93-02-063	132J-125-150	NEW	93-04-022
98-60-030	NEW-P	93-03-063	132G-116-275	NEW	93-02-063	132J-125-155	NEW	93-04-022
98-60-040	NEW-P	93-03-063	132G-116-280	REP	93-02-063	132J-125-160	NEW	93-04-022
98-60-050	NEW-P	93-03-063	132G-116-285	NEW	93-02-063	132J-125-165	NEW	93-04-022
98-70-010	AMD-P	93-03-062	132G-116-290	REP	93-02-063	132J-125-170	NEW	93-04-022
132G-116-010	REP	93-02-063	132G-116-295	NEW	93-02-063	132J-125-180	NEW	93-04-022
132G-116-020	AMD	93-02-063	132G-116-300	REP	93-02-063	132J-125-190	NEW	93-04-022
132G-116-025	NEW	93-02-063	132G-116-305	NEW	93-02-063	132J-125-200	NEW	93-04-022
132G-116-030	AMD	93-02-063	132G-116-310	REP	93-02-063	132J-125-210	NEW	93-04-022
132G-116-035	NEW	93-02-063	132G-116-315	NEW	93-02-063	132J-125-220	NEW	93-04-022
132G-116-040	REP	93-02-063	132G-116-320	REP	93-02-063	132J-125-230	NEW	93-04-022
132G-116-045	NEW	93-02-063	132G-116-330	REP	93-02-063	132J-125-240	NEW	93-04-022
132G-116-050	REP	93-02-063	132G-116-340	AMD	93-02-063	132J-125-250	NEW	93-04-022
132G-116-055	NEW	93-02-063	132G-116-350	REP	93-02-063	132J-125-260	NEW	93-04-022

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132J-125-270	NEW	93-04-022	173-226-080	NEW-E	93-03-067	173-422-010	AMD-P	93-03-092
132J-125-280	NEW	93-04-022	173-226-090	NEW-P	93-03-066	173-422-020	AMD-P	93-03-092
132J-125-290	NEW	93-04-022	173-226-090	NEW-E	93-03-067	173-422-030	AMD-P	93-03-092
132J-125-300	NEW	93-04-022	173-226-100	NEW-P	93-03-066	173-422-035	AMD-P	93-03-092
132J-125-310	NEW	93-04-022	173-226-100	NEW-E	93-03-067	173-422-040	AMD-P	93-03-092
132V-300-010	NEW	93-03-078	173-226-110	NEW-P	93-03-066	173-422-050	AMD-P	93-03-092
132V-300-020	NEW	93-03-078	173-226-110	NEW-E	93-03-067	173-422-060	AMD-P	93-03-092
132V-300-030	NEW	93-03-078	173-226-120	NEW-P	93-03-066	173-422-065	NEW-P	93-03-092
139-05-240	AMD-W	93-05-039	173-226-120	NEW-E	93-03-067	173-422-070	AMD-P	93-03-092
139-05-242	NEW-C	93-03-084	173-226-130	NEW-P	93-03-066	173-422-075	NEW-P	93-03-092
139-10-220	AMD-W	93-05-040	173-226-130	NEW-E	93-03-067	173-422-080	REP-P	93-03-092
139-10-222	NEW-C	93-03-085	173-226-140	NEW-P	93-03-066	173-422-090	AMD-P	93-03-092
173-19-2521	AMD	93-04-106	173-226-140	NEW-E	93-03-067	173-422-095	NEW-P	93-03-092
173-19-2521	AMD-P	93-05-043	173-226-150	NEW-P	93-03-066	173-422-100	AMD-P	93-03-092
173-19-350	AMD	93-02-048	173-226-150	NEW-E	93-03-067	173-422-110	REP-P	93-03-092
173-19-3503	AMD-C	93-04-064	173-226-160	NEW-P	93-03-066	173-422-120	AMD-P	93-03-092
173-19-3903	AMD-P	93-03-091	173-226-160	NEW-E	93-03-067	173-422-130	AMD-P	93-03-092
173-19-410	AMD-C	93-04-065	173-226-170	NEW-P	93-03-066	173-422-140	AMD-P	93-03-092
173-19-450	AMD	93-04-063	173-226-170	NEW-E	93-03-067	173-422-150	REP-P	93-03-092
173-202-020	AMD-P	93-05-042	173-226-180	NEW-P	93-03-066	173-422-160	AMD-P	93-03-092
173-216-010	AMD-P	93-03-066	173-226-180	NEW-E	93-03-067	173-422-170	AMD-P	93-03-092
173-216-010	AMD-E	93-03-067	173-226-190	NEW-P	93-03-066	173-422-180	REP-P	93-03-092
173-216-030	AMD-P	93-03-066	173-226-190	NEW-E	93-03-067	173-430	AMD-P	93-03-090
173-216-030	AMD-E	93-03-067	173-226-200	NEW-P	93-03-066	173-430	AMD-E	93-04-002
173-216-040	AMD-P	93-03-066	173-226-200	NEW-E	93-03-067	173-430-010	AMD-P	93-03-090
173-216-040	AMD-E	93-03-067	173-226-210	NEW-P	93-03-066	173-430-010	AMD-E	93-04-002
173-216-050	AMD-P	93-03-066	173-226-210	NEW-E	93-03-067	173-430-020	AMD-P	93-03-090
173-216-050	AMD-E	93-03-067	173-226-220	NEW-P	93-03-066	173-430-020	AMD-E	93-04-002
173-216-070	AMD-P	93-03-066	173-226-220	NEW-E	93-03-067	173-430-030	AMD-P	93-03-090
173-216-070	AMD-E	93-03-067	173-226-230	NEW-P	93-03-066	173-430-030	AMD-E	93-04-002
173-216-130	AMD-P	93-03-066	173-226-230	NEW-E	93-03-067	173-430-040	AMD-P	93-03-090
173-216-130	AMD-E	93-03-067	173-226-240	NEW-P	93-03-066	173-430-040	AMD-E	93-04-002
173-216-140	AMD-P	93-03-066	173-226-240	NEW-E	93-03-067	173-430-050	AMD-P	93-03-090
173-216-140	AMD-E	93-03-067	173-226-250	NEW-P	93-03-066	173-430-050	AMD-E	93-04-002
173-220-010	AMD-P	93-03-066	173-226-250	NEW-E	93-03-067	173-430-060	AMD-P	93-03-090
173-220-010	AMD-E	93-03-067	173-303-070	AMD-E	93-02-049	173-430-060	AMD-E	93-04-002
173-220-020	AMD-P	93-03-066	173-303-070	AMD	93-02-050	173-430-070	AMD-P	93-03-090
173-220-020	AMD-E	93-03-067	173-303-120	AMD-E	93-02-049	173-430-070	AMD-E	93-04-002
173-220-030	AMD-P	93-03-066	173-303-120	AMD	93-02-050	173-430-080	AMD-P	93-03-090
173-220-030	AMD-E	93-03-067	173-303-506	NEW-E	93-02-049	173-430-080	AMD-E	93-04-002
173-220-040	AMD-P	93-03-066	173-303-506	NEW	93-02-050	173-433-100	AMD	93-04-105
173-220-040	AMD-E	93-03-067	173-400	AMD-C	93-03-065	173-433-110	AMD	93-04-105
173-220-045	REP-P	93-03-066	173-400-030	AMD-S	93-05-048	173-433-170	AMD	93-04-105
173-220-045	REP-E	93-03-067	173-400-040	AMD-S	93-05-048	173-491-020	AMD-P	93-04-108
173-220-050	AMD-P	93-03-066	173-400-075	AMD	93-05-044	173-491-040	AMD-P	93-04-108
173-220-050	AMD-E	93-03-067	173-400-080	NEW-S	93-05-048	173-491-050	AMD	93-03-089
173-220-060	AMD-P	93-03-066	173-400-100	AMD-S	93-05-048	173-491-050	AMD-P	93-04-108
173-220-060	AMD-E	93-03-067	173-400-105	AMD-S	93-05-048	180-16-222	AMD-P	93-04-116
173-220-070	AMD-P	93-03-066	173-400-107	NEW-S	93-05-048	180-16-223	AMD-P	93-04-116
173-220-070	AMD-E	93-03-067	173-400-110	AMD-S	93-05-048	180-20-005	NEW-P	93-04-117
173-220-090	AMD-P	93-03-066	173-400-112	NEW-S	93-05-048	180-20-030	NEW-P	93-04-117
173-220-090	AMD-E	93-03-067	173-400-113	NEW-S	93-05-048	180-20-031	NEW-P	93-04-117
173-220-100	AMD-P	93-03-066	173-400-114	NEW-S	93-05-048	180-20-034	NEW-P	93-04-117
173-220-100	AMD-E	93-03-067	173-400-115	AMD	93-05-044	180-20-035	NEW-P	93-04-117
173-220-110	AMD-P	93-03-066	173-400-120	AMD-S	93-05-048	180-20-040	NEW-P	93-04-117
173-220-110	AMD-E	93-03-067	173-400-131	AMD-S	93-05-048	180-20-045	NEW-P	93-04-117
173-220-225	AMD-P	93-03-066	173-400-136	AMD-S	93-05-048	180-20-050	NEW-P	93-04-117
173-220-225	AMD-E	93-03-067	173-400-141	AMD-S	93-05-048	180-20-055	NEW-P	93-04-117
173-226-010	NEW-P	93-03-066	173-400-171	AMD-S	93-05-048	180-20-060	NEW-P	93-04-117
173-226-010	NEW-E	93-03-067	173-400-180	AMD-S	93-05-048	180-20-065	NEW-P	93-04-117
173-226-020	NEW-P	93-03-066	173-400-230	AMD	93-05-044	180-20-070	NEW-P	93-04-117
173-226-020	NEW-E	93-03-067	173-400-250	AMD-S	93-05-048	180-20-075	NEW-P	93-04-117
173-226-030	NEW-P	93-03-066	173-420-010	NEW	93-04-006	180-20-080	NEW-P	93-04-117
173-226-030	NEW-E	93-03-067	173-420-020	NEW	93-04-006	180-20-090	NEW-P	93-04-117
173-226-040	NEW-P	93-03-066	173-420-030	NEW	93-04-006	180-20-095	NEW-P	93-04-117
173-226-040	NEW-E	93-03-067	173-420-040	NEW	93-04-006	180-20-100	REP-P	93-04-117
173-226-050	NEW-P	93-03-066	173-420-050	NEW	93-04-006	180-20-101	NEW-P	93-04-117
173-226-050	NEW-E	93-03-067	173-420-060	NEW	93-04-006	180-20-105	REP-P	93-04-117
173-226-060	NEW-P	93-03-066	173-420-070	NEW	93-04-006	180-20-106	REP-P	93-04-117
173-226-060	NEW-E	93-03-067	173-420-080	NEW	93-04-006	180-20-111	NEW-P	93-04-117
173-226-070	NEW-P	93-03-066	173-420-090	NEW	93-04-006	180-20-115	NEW-P	93-04-117
173-226-070	NEW-E	93-03-067	173-420-100	NEW	93-04-006	180-20-120	NEW-P	93-04-117
173-226-080	NEW-P	93-03-066	173-420-110	NEW	93-04-006	180-20-123	NEW-P	93-04-117

TABLE



**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-20-125	NEW-P	93-04-117	212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061
180-20-130	NEW-P	93-04-117	212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032
180-20-135	NEW-P	93-04-117	212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061
180-20-140	NEW-P	93-04-117	212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032
180-20-145	NEW-P	93-04-117	212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061
180-20-150	NEW-P	93-04-117	212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032
180-20-155	NEW-P	93-04-117	212-14-035	REP	93-05-032	212-26-100	REP-E	93-04-061
180-20-160	NEW-P	93-04-117	212-14-040	REP-E	93-04-061	212-26-100	REP	93-05-032
180-20-200	REP-P	93-04-117	212-14-040	REP	93-05-032	212-26-105	REP-E	93-04-061
180-20-205	REP-P	93-04-117	212-14-045	REP-E	93-04-061	212-26-105	REP	93-05-032
180-20-210	REP-P	93-04-117	212-14-045	REP	93-05-032	212-28-001	REP-E	93-04-061
180-20-215	REP-P	93-04-117	212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032
180-20-220	REP-P	93-04-117	212-14-050	REP	93-05-032	212-28-010	REP-E	93-04-061
180-20-225	REP-P	93-04-117	212-14-055	REP-E	93-04-061	212-28-010	REP	93-05-032
180-20-230	REP-P	93-04-117	212-14-055	REP	93-05-032	212-28-015	REP-E	93-04-061
180-26-020	AMD-P	93-04-118	212-14-060	REP-E	93-04-061	212-28-015	REP	93-05-032
180-26-025	AMD-P	93-04-119	212-14-060	REP	93-05-032	212-28-020	REP-E	93-04-061
180-27-505	AMD	93-04-019	212-14-070	REP-E	93-04-061	212-28-020	REP	93-05-032
180-51-005	AMD	93-04-115	212-14-070	REP	93-05-032	212-28-025	REP-E	93-04-061
180-51-025	AMD	93-04-115	212-14-080	REP-E	93-04-061	212-28-025	REP	93-05-032
180-51-030	AMD	93-04-115	212-14-080	REP	93-05-032	212-28-030	REP-E	93-04-061
180-51-055	AMD	93-04-115	212-14-090	REP-E	93-04-061	212-28-030	REP	93-05-032
180-51-100	AMD	93-04-115	212-14-090	REP	93-05-032	212-28-035	REP-E	93-04-061
180-78-010	AMD-P	93-04-120	212-14-100	REP-E	93-04-061	212-28-035	REP	93-05-032
180-79-010	AMD-P	93-04-120	212-14-100	REP	93-05-032	212-28-040	REP-E	93-04-061
180-79-236	AMD	93-05-007	212-14-105	REP-E	93-04-061	212-28-040	REP	93-05-032
194-10-030	AMD	93-02-033	212-14-105	REP	93-05-032	212-28-045	REP-E	93-04-061
194-10-100	AMD	93-02-033	212-14-110	REP-E	93-04-061	212-28-045	REP	93-05-032
194-10-110	AMD	93-02-033	212-14-110	REP	93-05-032	212-28-050	REP-E	93-04-061
194-10-130	AMD	93-02-033	212-14-115	REP-E	93-04-061	212-28-050	REP	93-05-032
194-10-140	AMD	93-02-033	212-14-115	REP	93-05-032	212-28-055	REP-E	93-04-061
204-10-120	AMD-P	93-05-029	212-14-120	REP-E	93-04-061	212-28-055	REP	93-05-032
204-44-040	NEW-P	93-05-028	212-14-120	REP	93-05-032	212-28-060	REP-E	93-04-061
204-84-010	REP-P	93-05-029	212-14-12001	REP-E	93-04-061	212-28-060	REP	93-05-032
204-84-020	REP-P	93-05-029	212-14-12001	REP	93-05-032	212-28-065	REP-E	93-04-061
204-84-030	REP-P	93-05-029	212-14-125	REP-E	93-04-061	212-28-065	REP	93-05-032
204-84-040	REP-P	93-05-029	212-14-125	REP	93-05-032	212-28-070	REP-E	93-04-061
204-84-050	REP-P	93-05-029	212-14-130	REP-E	93-04-061	212-28-070	REP	93-05-032
204-84-060	REP-P	93-05-029	212-14-130	REP	93-05-032	212-28-075	REP-E	93-04-061
204-84-070	REP-P	93-05-029	212-26-001	REP-E	93-04-061	212-28-075	REP	93-05-032
204-84-080	REP-P	93-05-029	212-26-001	REP	93-05-032	212-28-080	REP-E	93-04-061
204-84-090	REP-P	93-05-029	212-26-005	REP-E	93-04-061	212-28-080	REP	93-05-032
204-84-100	REP-P	93-05-029	212-26-005	REP	93-05-032	212-28-085	REP-E	93-04-061
212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061	212-28-085	REP	93-05-032
212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032	212-28-090	REP-E	93-04-061
212-12-001	NEW	93-05-032	212-26-015	REP-E	93-04-061	212-28-090	REP	93-05-032
212-12-005	NEW-E	93-04-061	212-26-015	REP	93-05-032	212-28-095	REP-E	93-04-061
212-12-005	NEW	93-05-032	212-26-020	REP-E	93-04-061	212-28-095	REP	93-05-032
212-12-011	NEW-E	93-04-061	212-26-020	REP	93-05-032	212-28-100	REP-E	93-04-061
212-12-011	NEW	93-05-032	212-26-025	REP-E	93-04-061	212-28-100	REP	93-05-032
212-12-011	NEW	93-05-032	212-26-025	REP	93-05-032	212-28-105	REP-E	93-04-061
212-12-015	NEW-E	93-04-061	212-26-025	REP	93-05-032	212-28-105	REP	93-05-032
212-12-015	NEW	93-05-032	212-26-030	REP-E	93-04-061	212-28-110	REP-E	93-04-061
212-12-020	NEW-E	93-04-061	212-26-030	REP	93-05-032	212-28-110	REP	93-05-032
212-12-020	NEW	93-05-032	212-26-035	REP-E	93-04-061	212-32-001	REP-E	93-04-061
212-12-025	NEW-E	93-04-061	212-26-035	REP	93-05-032	212-32-001	REP	93-05-032
212-12-025	NEW	93-05-032	212-26-040	REP-E	93-04-061	212-32-005	REP-E	93-04-061
212-12-030	NEW-E	93-04-061	212-26-040	REP	93-05-032	212-32-005	REP	93-05-032
212-12-030	NEW	93-05-032	212-26-045	REP-E	93-04-061	212-32-010	REP-E	93-04-061
212-12-035	NEW-E	93-04-061	212-26-045	REP	93-05-032	212-32-010	REP	93-05-032
212-12-035	NEW	93-05-032	212-26-050	REP-E	93-04-061	212-32-015	REP-E	93-04-061
212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032	212-32-015	REP	93-05-032
212-12-040	NEW	93-05-032	212-26-055	REP-E	93-04-061	212-32-020	REP-E	93-04-061
212-12-044	NEW-E	93-04-061	212-26-055	REP	93-05-032	212-32-020	REP	93-05-032
212-12-044	NEW	93-05-032	212-26-060	REP-E	93-04-061	212-32-025	REP-E	93-04-061
212-14-001	REP-E	93-04-061	212-26-060	REP	93-05-032	212-32-025	REP	93-05-032
212-14-001	REP	93-05-032	212-26-065	REP-E	93-04-061	212-32-030	REP-E	93-04-061
212-14-005	REP-E	93-04-061	212-26-065	REP	93-05-032	212-32-030	REP	93-05-032
212-14-005	REP	93-05-032	212-26-070	REP-E	93-04-061	212-32-035	REP-E	93-04-061
212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032	212-32-035	REP	93-05-032
212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061	212-32-040	REP-E	93-04-061
212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032	212-32-040	REP	93-05-032
212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061	212-32-045	REP-E	93-04-061
212-14-020	REP-E	93-04-061	212-26-080	REP	93-05-032			



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
212-43-085	REP-E	93-04-061	212-52-002	REP	93-05-032
212-43-085	REP	93-05-032	212-52-005	REP-E	93-04-061
212-43-090	REP-E	93-04-061	212-52-005	REP	93-05-032
212-43-090	REP	93-05-032	212-52-012	REP-E	93-04-061
212-43-095	REP-E	93-04-061	212-52-012	REP	93-05-032
212-43-095	REP	93-05-032	212-52-016	REP-E	93-04-061
212-43-100	REP-E	93-04-061	212-52-016	REP	93-05-032
212-43-100	REP	93-05-032	212-52-018	REP-E	93-04-061
212-43-105	REP-E	93-04-061	212-52-018	REP	93-05-032
212-43-105	REP	93-05-032	212-52-020	REP-E	93-04-061
212-43-110	REP-E	93-04-061	212-52-020	REP	93-05-032
212-43-110	REP	93-05-032	212-52-025	REP-E	93-04-061
212-43-115	REP-E	93-04-061	212-52-025	REP	93-05-032
212-43-115	REP	93-05-032	212-52-027	REP-E	93-04-061
212-43-120	REP-E	93-04-061	212-52-027	REP	93-05-032
212-43-120	REP	93-05-032	212-52-028	REP-E	93-04-061
212-43-125	REP-E	93-04-061	212-52-028	REP	93-05-032
212-43-125	REP	93-05-032	212-52-030	REP-E	93-04-061
212-43-130	REP-E	93-04-061	212-52-030	REP	93-05-032
212-43-130	REP	93-05-032	212-52-037	REP-E	93-04-061
212-43-135	REP-E	93-04-061	212-52-037	REP	93-05-032
212-43-135	REP	93-05-032	212-52-041	REP-E	93-04-061
212-45-001	REP-E	93-04-061	212-52-041	REP	93-05-032
212-45-001	REP	93-05-032	212-52-045	REP-E	93-04-061
212-45-005	REP-E	93-04-061	212-52-045	REP	93-05-032
212-45-005	REP	93-05-032	212-52-050	REP-E	93-04-061
212-45-010	REP-E	93-04-061	212-52-050	REP	93-05-032
212-45-010	REP	93-05-032	212-52-055	REP-E	93-04-061
212-45-015	REP-E	93-04-061	212-52-055	REP	93-05-032
212-45-015	REP	93-05-032	212-52-060	REP-E	93-04-061
212-45-020	REP-E	93-04-061	212-52-060	REP	93-05-032
212-45-020	REP	93-05-032	212-52-070	REP-E	93-04-061
212-45-025	REP-E	93-04-061	212-52-070	REP	93-05-032
212-45-025	REP	93-05-032	212-52-075	REP-E	93-04-061
212-45-030	REP-E	93-04-061	212-52-075	REP	93-05-032
212-45-030	REP	93-05-032	212-52-080	REP-E	93-04-061
212-45-035	REP-E	93-04-061	212-52-080	REP	93-05-032
212-45-035	REP	93-05-032	212-52-085	REP-E	93-04-061
212-45-040	REP-E	93-04-061	212-52-085	REP	93-05-032
212-45-040	REP	93-05-032	212-52-090	REP-E	93-04-061
212-45-045	REP-E	93-04-061	212-52-090	REP	93-05-032
212-45-045	REP	93-05-032	212-52-095	REP-E	93-04-061
212-45-050	REP-E	93-04-061	212-52-095	REP	93-05-032
212-45-050	REP	93-05-032	212-52-100	REP-E	93-04-061
212-45-055	REP-E	93-04-061	212-52-100	REP	93-05-032
212-45-055	REP	93-05-032	212-52-105	REP-E	93-04-061
212-45-060	REP-E	93-04-061	212-52-105	REP	93-05-032
212-45-060	REP	93-05-032	212-52-110	REP-E	93-04-061
212-45-065	REP-E	93-04-061	212-52-110	REP	93-05-032
212-45-065	REP	93-05-032	212-52-112	REP-E	93-04-061
212-45-070	REP-E	93-04-061	212-52-112	REP	93-05-032
212-45-070	REP	93-05-032	212-52-115	REP-E	93-04-061
212-45-075	REP-E	93-04-061	212-52-115	REP	93-05-032
212-45-075	REP	93-05-032	212-52-120	REP-E	93-04-061
212-45-080	REP-E	93-04-061	212-52-120	REP	93-05-032
212-45-080	REP	93-05-032	212-52-125	REP-E	93-04-061
212-45-085	REP-E	93-04-061	212-52-125	REP	93-05-032
212-45-085	REP	93-05-032	212-52-99001	REP-E	93-04-061
212-45-090	REP-E	93-04-061	212-52-99001	REP	93-05-032
212-45-090	REP	93-05-032	212-52-99002	REP-E	93-04-061
212-45-095	REP-E	93-04-061	212-52-99002	REP	93-05-032
212-45-095	REP	93-05-032	212-56A-001	REP-E	93-04-061
212-45-100	REP-E	93-04-061	212-56A-001	REP	93-05-032
212-45-100	REP	93-05-032	212-56A-005	REP-E	93-04-061
212-45-105	REP-E	93-04-061	212-56A-005	REP	93-05-032
212-45-105	REP	93-05-032	212-56A-010	REP-E	93-04-061
212-45-110	REP-E	93-04-061	212-56A-010	REP	93-05-032
212-45-110	REP	93-05-032	212-56A-015	REP-E	93-04-061
212-45-115	REP-E	93-04-061	212-56A-015	REP	93-05-032
212-45-115	REP	93-05-032	212-56A-020	REP-E	93-04-061
212-52-001	REP-E	93-04-061	212-56A-020	REP	93-05-032
212-52-001	REP	93-05-032	212-56A-030	REP-E	93-04-061
212-52-002	REP-E	93-04-061	212-56A-030	REP	93-05-032

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061	220-57-137	AMD-P	93-04-096
212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032	220-57-160	AMD-P	93-04-096
212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061	220-57-16000Q	NEW-E	93-04-043
212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032	220-57-175	AMD-P	93-04-096
212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061	220-57-210	AMD-P	93-04-096
212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032	220-57-235	AMD-P	93-04-096
212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061	220-57-255	AMD-P	93-04-096
212-64-068	REP-E	93-04-061	212-70-130	REP	93-05-032	220-57-270	AMD-P	93-04-096
212-64-068	REP	93-05-032	212-70-140	REP-E	93-04-061	220-57-310	AMD-P	93-04-096
212-64-069	REP-E	93-04-061	212-70-140	REP	93-05-032	220-57-315	AMD-P	93-04-096
212-64-069	REP	93-05-032	212-70-150	REP-E	93-04-061	220-57-319	AMD-P	93-04-096
212-64-070	REP-E	93-04-061	212-70-150	REP	93-05-032	220-57-350	AMD-P	93-04-096
212-64-070	REP	93-05-032	212-70-160	REP-E	93-04-061	220-57-380	AMD-P	93-04-096
212-65-001	REP-E	93-04-061	212-70-160	REP	93-05-032	220-57-400	AMD-P	93-04-096
212-65-001	REP	93-05-032	212-70-170	REP-E	93-04-061	220-57-425	AMD-P	93-04-096
212-65-005	REP-E	93-04-061	212-70-170	REP	93-05-032	220-57-430	AMD-P	93-04-096
212-65-005	REP	93-05-032	212-70-180	REP-E	93-04-061	220-57-445	AMD-P	93-04-096
212-65-010	REP-E	93-04-061	212-70-180	REP	93-05-032	220-57-460	AMD-P	93-04-096
212-65-010	REP	93-05-032	212-70-190	REP-E	93-04-061	220-57-465	AMD-P	93-04-096
212-65-015	REP-E	93-04-061	212-70-190	REP	93-05-032	220-57-495	AMD-P	93-04-096
212-65-015	REP	93-05-032	212-70-200	REP-E	93-04-061	220-57A-183	AMD-P	93-04-096
212-65-020	REP-E	93-04-061	212-70-200	REP	93-05-032	222-08-040	AMD-P	93-05-010
212-65-020	REP	93-05-032	212-70-210	REP-E	93-04-061	222-10-110	AMD-P	93-05-010
212-65-025	REP-E	93-04-061	212-70-210	REP	93-05-032	222-12-020	AMD-P	93-05-010
212-65-025	REP	93-05-032	212-70-220	REP-E	93-04-061	222-12-050	AMD-P	93-05-010
212-65-030	REP-E	93-04-061	212-70-220	REP	93-05-032	222-16-010	AMD-P	93-05-010
212-65-030	REP	93-05-032	212-70-230	REP-E	93-04-061	222-16-050	AMD-P	93-05-010
212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032	222-16-070	AMD-P	93-05-010
212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061	222-16-080	AMD-P	93-05-010
212-65-040	REP-E	93-04-061	212-70-240	REP	93-05-032	222-20-010	AMD-P	93-05-010
212-65-040	REP	93-05-032	212-70-250	REP-E	93-04-061	222-24-050	AMD-P	93-05-010
212-65-045	REP-E	93-04-061	212-70-250	REP	93-05-032	222-30-020	AMD-P	93-05-010
212-65-045	REP	93-05-032	212-70-260	REP-E	93-04-061	222-30-040	AMD-P	93-05-010
212-65-050	REP-E	93-04-061	212-70-260	REP	93-05-032	222-34-040	AMD-P	93-05-010
212-65-050	REP	93-05-032	220-16-460	NEW-P	93-04-096	222-38-020	AMD-P	93-05-010
212-65-055	REP-E	93-04-061	220-32-05100T	REP-E	93-04-073	222-38-030	AMD-P	93-05-010
212-65-055	REP	93-05-032	220-32-05100U	NEW-E	93-04-073	222-46-020	AMD-P	93-05-010
212-65-060	REP-E	93-04-061	220-33-01000M	REP-E	93-05-017	222-50-020	AMD-P	93-05-010
212-65-060	REP	93-05-032	220-33-01000N	NEW-E	93-05-017	230-30-075	AMD	93-04-007
212-65-065	REP-E	93-04-061	220-44-050	AMD-P	93-04-095	230-40-120	AMD-P	93-04-044
212-65-065	REP	93-05-032	220-52-07300M	REP-E	93-05-006	232-12-017	AMD	93-04-039
212-65-070	REP-E	93-04-061	220-52-07300N	NEW-E	93-05-006	232-12-021	AMD	93-04-040
212-65-070	REP	93-05-032	220-55-010	AMD-P	93-04-096	232-12-045	NEW-E	93-04-083
212-65-075	REP-E	93-04-061	220-56-100	AMD-P	93-04-096	232-12-064	AMD	93-04-038
212-65-075	REP	93-05-032	220-56-105	AMD-P	93-04-096	232-12-074	REP	93-04-075
212-65-080	REP-E	93-04-061	220-56-116	AMD-P	93-04-096	232-12-242	NEW	93-04-074
212-65-080	REP	93-05-032	220-56-124	NEW-P	93-04-096	232-28-61914	NEW-W	93-03-015
212-65-085	REP-E	93-04-061	220-56-126	AMD-P	93-04-096	232-28-61923	NEW	93-04-046
212-65-085	REP	93-05-032	220-56-128	AMD-P	93-04-096	232-28-61924	NEW	93-04-047
212-65-090	REP-E	93-04-061	220-56-131	AMD-P	93-04-096	232-28-61925	NEW	93-04-049
212-65-090	REP	93-05-032	220-56-132	AMD-P	93-04-096	232-28-61926	NEW	93-04-050
212-65-095	REP-E	93-04-061	220-56-180	AMD-P	93-04-096	232-28-61927	NEW	93-04-051
212-65-095	REP	93-05-032	220-56-190	AMD-P	93-04-096	232-28-61928	NEW	93-04-048
212-65-100	REP-E	93-04-061	220-56-191	NEW-P	93-04-096	232-28-61929	NEW	93-04-052
212-65-100	REP	93-05-032	220-56-195	AMD-P	93-04-096	232-28-61930	NEW	93-04-053
212-70-010	REP-E	93-04-061	220-56-220	AMD-P	93-04-096	232-28-61931	NEW-E	93-03-039
212-70-010	REP	93-05-032	220-56-235	AMD-P	93-04-096	236-14-010	NEW-W	93-05-041
212-70-020	REP-E	93-04-061	220-56-240	AMD-P	93-04-096	236-14-015	NEW-W	93-05-041
212-70-020	REP	93-05-032	220-56-245	AMD-P	93-04-096	236-14-050	NEW-W	93-05-041
212-70-030	REP-E	93-04-061	220-56-255	AMD-P	93-04-096	236-14-100	NEW-W	93-05-041
212-70-030	REP	93-05-032	220-56-270	AMD-P	93-04-096	236-14-200	NEW-W	93-05-041
212-70-040	REP-E	93-04-061	220-56-285	AMD-P	93-04-096	236-14-300	NEW-W	93-05-041
212-70-040	REP	93-05-032	220-56-307	AMD-P	93-04-096	236-14-900	NEW-W	93-05-041
212-70-050	REP-E	93-04-061	220-56-310	AMD-P	93-04-096	246-11-001	NEW-P	93-04-102
212-70-050	REP	93-05-032	220-56-315	AMD-P	93-04-096	246-11-010	NEW-P	93-04-102
212-70-060	REP-E	93-04-061	220-56-320	AMD-P	93-04-096	246-11-020	NEW-P	93-04-102
212-70-060	REP	93-05-032	220-56-325	AMD-P	93-04-096	246-11-030	NEW-P	93-04-102
212-70-070	REP-E	93-04-061	220-56-330	AMD-P	93-04-096	246-11-040	NEW-P	93-04-102
212-70-070	REP	93-05-032	220-56-335	AMD-P	93-04-096	246-11-050	NEW-P	93-04-102
212-70-080	REP-E	93-04-061	220-56-350	AMD-P	93-04-096	246-11-060	NEW-P	93-04-102
212-70-080	REP	93-05-032	220-56-380	AMD-P	93-04-096	246-11-070	NEW-P	93-04-102
212-70-090	REP-E	93-04-061	220-56-382	AMD-P	93-04-096	246-11-080	NEW-P	93-04-102
212-70-090	REP	93-05-032	220-56-390	AMD-P	93-04-096	246-11-090	NEW-P	93-04-102

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-11-100	NEW-P	93-04-102	246-290-320	AMD-P	93-04-122	246-358-095	AMD	93-03-032
246-11-110	NEW-P	93-04-102	246-290-330	AMD-P	93-04-122	246-358-105	AMD	93-03-032
246-11-120	NEW-P	93-04-102	246-290-400	REP-P	93-04-122	246-358-115	AMD	93-03-032
246-11-130	NEW-P	93-04-102	246-290-420	AMD-P	93-04-122	246-358-125	AMD	93-03-032
246-11-140	NEW-P	93-04-102	246-290-440	AMD-P	93-04-122	246-358-135	AMD	93-03-032
246-11-150	NEW-P	93-04-102	246-290-450	REP-P	93-04-122	246-358-140	NEW	93-03-032
246-11-160	NEW-P	93-04-102	246-290-470	AMD-P	93-04-122	246-358-145	AMD	93-03-032
246-11-170	NEW-P	93-04-102	246-290-480	AMD-P	93-04-122	246-358-155	AMD	93-03-032
246-11-180	NEW-P	93-04-102	246-290-601	NEW-P	93-04-122	246-358-165	AMD	93-03-032
246-11-190	NEW-P	93-04-102	246-290-610	NEW-P	93-04-122	246-358-175	AMD	93-03-032
246-11-100	NEW-P	93-04-102	246-290-620	NEW-P	93-04-122	246-358-990	AMD	93-03-031
246-11-210	NEW-P	93-04-102	246-290-630	NEW-P	93-04-122	246-388-070	AMD-W	93-04-091
246-11-220	NEW-P	93-04-102	246-290-632	NEW-P	93-04-122	246-388-072	NEW-W	93-04-091
246-11-230	NEW-P	93-04-102	246-290-634	NEW-P	93-04-122	246-824-200	NEW-P	93-02-066
246-11-250	NEW-P	93-04-102	246-290-636	NEW-P	93-04-122	246-824-210	NEW-P	93-02-066
246-11-260	NEW-P	93-04-102	246-290-638	NEW-P	93-04-122	246-824-220	NEW-P	93-02-066
246-11-270	NEW-P	93-04-102	246-290-639	NEW-P	93-04-122	246-824-230	NEW-P	93-02-066
246-11-280	NEW-P	93-04-102	246-290-640	NEW-P	93-04-122	246-824-240	NEW-P	93-02-066
246-11-290	NEW-P	93-04-102	246-290-650	NEW-P	93-04-122	246-838-120	AMD	93-04-080
246-11-300	NEW-P	93-04-102	246-290-652	NEW-P	93-04-122	246-838-330	NEW	93-04-080
246-11-310	NEW-P	93-04-102	246-290-654	NEW-P	93-04-122	246-849-200	NEW-P	93-03-046
246-11-320	NEW-P	93-04-102	246-290-660	NEW-P	93-04-122	246-849-210	NEW-P	93-03-046
246-11-330	NEW-P	93-04-102	246-290-662	NEW-P	93-04-122	246-849-220	NEW-P	93-03-046
246-11-340	NEW-P	93-04-102	246-290-664	NEW-P	93-04-122	246-849-230	NEW-P	93-03-046
246-11-350	NEW-P	93-04-102	246-290-666	NEW-P	93-04-122	246-849-240	NEW-P	93-03-046
246-11-360	NEW-P	93-04-102	246-290-668	NEW-P	93-04-122	246-849-250	NEW-P	93-03-046
246-11-370	NEW-P	93-04-102	246-290-670	NEW-P	93-04-122	246-849-260	NEW-P	93-03-046
246-11-380	NEW-P	93-04-102	246-290-672	NEW-P	93-04-122	246-849-270	NEW-P	93-03-046
246-11-390	NEW-P	93-04-102	246-290-674	NEW-P	93-04-122	246-851-270	REVIEW	93-03-030
246-11-400	NEW-P	93-04-102	246-290-676	NEW-P	93-04-122	246-851-360	REVIEW	93-03-030
246-11-420	NEW-P	93-04-102	246-290-678	NEW-P	93-04-122	246-851-520	REVIEW	93-03-030
246-11-430	NEW-P	93-04-102	246-290-680	NEW-P	93-04-122	246-851-530	REVIEW	93-03-030
246-11-440	NEW-P	93-04-102	246-290-686	NEW-P	93-04-122	246-857-020	REP	93-04-017
246-11-450	NEW-P	93-04-102	246-290-690	NEW-P	93-04-122	246-857-030	REP	93-04-017
246-11-470	NEW-P	93-04-102	246-290-692	NEW-P	93-04-122	246-857-040	REP	93-04-017
246-11-480	NEW-P	93-04-102	246-290-694	NEW-P	93-04-122	246-857-050	REP	93-04-017
246-11-490	NEW-P	93-04-102	246-290-696	NEW-P	93-04-122	246-857-060	REP	93-04-017
246-11-500	NEW-P	93-04-102	246-294-001	NEW	93-03-047	246-857-070	REP	93-04-017
246-11-510	NEW-P	93-04-102	246-294-010	NEW	93-03-047	246-857-080	REP	93-04-017
246-11-520	NEW-P	93-04-102	246-294-020	NEW	93-03-047	246-857-090	REP	93-04-017
246-11-530	NEW-P	93-04-102	246-294-030	NEW	93-03-047	246-857-100	REP	93-04-017
246-11-540	NEW-P	93-04-102	246-294-040	NEW	93-03-047	246-857-110	REP	93-04-017
246-11-550	NEW-P	93-04-102	246-294-050	NEW	93-03-047	246-857-120	REP	93-04-017
246-11-560	NEW-P	93-04-102	246-294-060	NEW	93-03-047	246-857-130	REP	93-04-017
246-11-570	NEW-P	93-04-102	246-294-070	NEW	93-03-047	246-857-140	REP	93-04-017
246-11-580	NEW-P	93-04-102	246-294-080	NEW	93-03-047	246-857-150	REP	93-04-017
246-11-590	NEW-P	93-04-102	246-294-090	NEW	93-03-047	246-857-160	REP	93-04-017
246-11-600	NEW-P	93-04-102	246-294-100	NEW	93-03-047	246-857-170	REP	93-04-017
246-11-610	NEW-P	93-04-102	246-316-020	AMD-W	93-04-091	246-857-180	REP	93-04-017
246-100-011	AMD-P	93-03-003	246-316-040	AMD-W	93-04-091	246-857-190	REP	93-04-017
246-100-041	AMD-P	93-03-003	246-316-045	NEW-W	93-04-091	246-857-200	REP	93-04-017
246-100-076	AMD-P	93-03-003	246-316-050	AMD-W	93-04-091	246-857-210	REP	93-04-017
246-100-236	AMD-P	93-03-003	246-318-040	AMD-W	93-04-091	246-857-220	AMD	93-04-017
246-130-040	AMD-E	93-04-015	246-318-042	NEW-W	93-04-091	246-857-230	REP	93-04-017
246-130-070	AMD-E	93-04-015	246-321-018	NEW-W	93-04-091	246-857-240	REP	93-04-017
246-290-001	AMD-P	93-04-122	246-323-022	NEW-W	93-04-091	246-857-250	REP	93-04-017
246-290-010	AMD-P	93-04-122	246-325-022	NEW-W	93-04-091	246-857-260	REP	93-04-017
246-290-020	AMD-P	93-04-122	246-327-090	NEW-W	93-04-091	246-857-270	REP	93-04-017
246-290-030	AMD-P	93-04-122	246-329-035	NEW-W	93-04-091	246-857-280	REP	93-04-017
246-290-040	AMD-P	93-04-122	246-331-100	NEW-W	93-04-091	246-857-290	REP	93-04-017
246-290-050	AMD-P	93-04-122	246-336-100	NEW-W	93-04-091	246-857-300	REP	93-04-017
246-290-060	AMD-P	93-04-122	246-340-085	NEW-W	93-04-091	246-857-310	REP	93-04-017
246-290-100	AMD-P	93-04-122	246-358-001	AMD	93-03-032	246-857-320	REP	93-04-017
246-290-110	AMD-P	93-04-122	246-358-010	AMD	93-03-032	246-857-330	REP	93-04-017
246-290-120	AMD-P	93-04-122	246-358-020	NEW	93-03-032	246-857-340	REP	93-04-017
246-290-130	AMD-P	93-04-122	246-358-025	AMD	93-03-031	246-863-050	AMD-P	93-04-101
246-290-135	NEW-P	93-04-122	246-358-030	NEW	93-03-031	246-863-130	NEW-W	93-04-018
246-290-200	AMD-P	93-04-122	246-358-035	REP	93-03-032	246-883-030	AMD	93-05-046
246-290-210	REP-P	93-04-122	246-358-045	AMD	93-03-032	246-903-010	AMD	93-04-016
246-290-230	AMD-P	93-04-122	246-358-055	AMD	93-03-032	246-903-020	AMD	93-04-016
246-290-250	AMD-P	93-04-122	246-358-065	AMD	93-03-032	246-907-030	AMD	93-05-045
246-290-300	AMD-P	93-04-122	246-358-075	AMD	93-03-032	246-915-020	AMD	93-04-081
246-290-310	AMD-P	93-04-122	246-358-085	AMD	93-03-032	246-915-080	AMD	93-04-081

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-915-085	NEW-W	93-04-082	296-62-07415	NEW-P	93-02-057	296-155-17341	NEW	93-04-111
246-915-120	AMD	93-04-081	296-62-07417	NEW-P	93-02-057	296-155-17343	NEW	93-04-111
246-915-140	AMD-W	93-04-082	296-62-07419	NEW-P	93-02-057	296-155-17345	NEW	93-04-111
246-915-145	NEW-W	93-04-082	296-62-07421	NEW-P	93-02-057	296-155-17347	NEW	93-04-111
246-917-121	AMD-P	93-05-047	296-62-07423	NEW-P	93-02-057	296-155-17349	NEW	93-04-111
246-918-260	AMD-P	93-05-047	296-62-07425	NEW-P	93-02-057	296-155-17351	NEW	93-04-111
246-924-040	AMD-P	93-02-065	296-62-07427	NEW-P	93-02-057	296-155-17353	NEW	93-04-111
246-924-050	AMD-P	93-02-065	296-62-07429	NEW-P	93-02-057	296-155-17355	NEW	93-04-111
246-924-055	NEW-P	93-02-065	296-62-07431	NEW-P	93-02-057	296-155-17357	NEW	93-04-111
246-924-060	AMD-P	93-02-065	296-62-07433	NEW-P	93-02-057	296-155-17359	NEW	93-04-111
246-924-065	NEW-P	93-02-065	296-62-07441	NEW-P	93-02-057	296-155-174	NEW-P	93-02-057
246-924-070	AMD-P	93-04-014	296-62-07443	NEW-P	93-02-057	296-155-375	AMD	93-04-111
246-924-350	REP-P	93-02-067	296-62-07445	NEW-P	93-02-057	296-304-020	AMD	93-04-111
246-924-351	NEW-P	93-02-067	296-62-07447	NEW-P	93-02-057	296-306	AMD-C	93-02-031
246-924-352	NEW-P	93-02-067	296-62-07449	NEW-P	93-02-057	296-306-01001	NEW-P	93-02-057
246-924-353	NEW-P	93-02-067	296-62-07451	NEW	93-02-057	296-401-075	NEW	93-03-048
246-924-354	NEW-P	93-02-067	296-62-076	NEW	93-04-111	308-30-005	NEW	93-05-009
246-924-355	NEW-P	93-02-067	296-62-07601	NEW	93-04-111	308-30-010	AMD	93-05-009
246-924-356	NEW-P	93-02-067	296-62-07603	NEW	93-04-111	308-30-020	AMD	93-05-009
246-924-357	NEW-P	93-02-067	296-62-07605	NEW	93-04-111	308-30-030	AMD	93-05-009
246-924-358	NEW-P	93-02-067	296-62-07607	NEW	93-04-111	308-30-040	AMD	93-05-009
246-924-359	NEW-P	93-02-067	296-62-07609	NEW	93-04-111	308-30-050	AMD	93-05-009
246-924-360	REP-P	93-02-067	296-62-07611	NEW	93-04-111	308-30-060	AMD	93-05-009
246-924-361	NEW-P	93-02-067	296-62-07613	NEW	93-04-111	308-30-070	AMD	93-05-009
246-924-363	NEW-P	93-02-067	296-62-07615	NEW	93-04-111	308-30-080	AMD	93-05-009
246-924-364	NEW-P	93-02-067	296-62-07617	NEW	93-04-111	308-30-090	AMD	93-05-009
246-924-365	NEW-P	93-02-067	296-62-07619	NEW	93-04-111	308-30-120	NEW	93-05-009
246-924-366	NEW-P	93-02-067	296-62-07621	NEW	93-04-111	308-30-130	NEW	93-05-009
246-924-367	NEW-P	93-02-067	296-62-07623	NEW	93-04-111	308-30-140	NEW	93-05-009
246-924-370	REP-P	93-02-067	296-62-07625	NEW	93-04-111	308-30-150	NEW	93-05-009
246-924-380	REP-P	93-02-067	296-62-07627	NEW	93-04-111	308-30-155	NEW	93-05-009
246-924-390	REP-P	93-02-067	296-62-07629	NEW	93-04-111	308-30-160	NEW	93-05-009
246-924-400	REP-P	93-02-067	296-62-07631	NEW	93-04-111	308-30-170	NEW	93-05-009
246-924-410	REP-P	93-02-067	296-62-07633	NEW	93-04-111	315-02-230	NEW	93-04-004
246-924-420	REP-P	93-02-067	296-62-07635	NEW	93-04-111	315-06-120	AMD	93-04-004
246-924-430	REP-P	93-02-067	296-62-07637	NEW	93-04-111	315-06-125	AMD	93-04-004
246-924-440	REP-P	93-02-067	296-62-07639	NEW	93-04-111	315-06-130	AMD	93-04-004
246-924-450	REP-P	93-02-067	296-62-07654	NEW	93-04-111	315-11-890	AMD-P	93-03-094
246-933-010	AMD-P	93-04-079	296-62-07656	NEW	93-04-111	315-11-920	NEW	93-03-008
246-933-180	NEW-P	93-04-079	296-62-07658	NEW	93-04-111	315-11-921	NEW	93-03-008
246-933-980	AMD-P	93-04-079	296-62-07660	NEW	93-04-111	315-11-922	NEW	93-03-008
246-933-990	AMD-P	93-04-121	296-62-07662	NEW	93-04-111	315-11-930	NEW	93-03-008
246-935-070	AMD-P	93-04-079	296-62-07664	NEW	93-04-111	315-11-931	NEW	93-03-008
246-935-080	REP-P	93-04-079	296-62-07666	NEW	93-04-111	315-11-932	NEW	93-03-008
246-935-125	AMD-P	93-04-079	296-62-07668	NEW	93-04-111	315-11-940	NEW	93-03-008
250-20-011	AMD-P	93-03-087	296-62-07670	NEW	93-04-111	315-11-941	NEW	93-03-008
250-20-011	AMD-E	93-04-070	296-62-07672	NEW	93-04-111	315-11-942	NEW	93-03-008
250-20-015	AMD-P	93-03-087	296-116-110	AMD-P	93-04-109	315-11-950	NEW-P	93-03-094
250-20-015	AMD-E	93-04-070	296-116-185	AMD-C	93-03-001	315-11-951	NEW-P	93-03-094
250-20-021	AMD-P	93-03-087	296-116-185	AMD	93-03-080	315-11-952	NEW-P	93-03-094
250-20-021	AMD-E	93-04-070	296-116-360	AMD-P	93-04-110	315-11-960	NEW-P	93-03-094
250-20-031	AMD-P	93-03-087	296-125-070	NEW	93-04-112	315-11-961	NEW-P	93-03-094
250-20-031	AMD-E	93-04-070	296-155-173	NEW	93-04-111	315-11-962	NEW-P	93-03-094
250-20-041	AMD-P	93-03-087	296-155-17301	NEW	93-04-111	315-11-970	NEW-P	93-03-094
250-20-041	AMD-E	93-04-070	296-155-17303	NEW	93-04-111	315-11-971	NEW-P	93-03-094
250-20-051	AMD-P	93-03-087	296-155-17305	NEW	93-04-111	315-11-972	NEW-P	93-03-094
250-20-051	AMD-E	93-04-070	296-155-17307	NEW	93-04-111	315-34-040	AMD	93-03-008
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284-07-060	NEW-C	93-04-062	296-155-17311	NEW	93-04-111	317-05-020	NEW-P	93-02-053
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	PERM	93-04-039			
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<b>WINE COMMISSION</b>					
(See AGRICULTURE, DEPARTMENT OF)					



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