

# Washington State Register

**MAY 19, 1993**

**OLYMPIA, WASHINGTON**

**ISSUE 93-10**



## **IN THIS ISSUE**

Administrative Hearings, Office of  
Agriculture, Department of  
Asian American Affairs, Commission on  
Attorney General, Office of  
Blind, Department of Services for the  
Building Code Council  
Community and Technical Colleges, State  
Board for  
Criminal Justice Training Commission  
Ecology, Department of  
Employment Security Department  
Fisheries, Department of  
Forest Practices Board  
Gambling Commission  
General Administration, Department of  
Governor, Office of the  
Health, Department of  
Labor and Industries, Department of  
Licensing, Department of  
Liquor Control Board

Marine Oversight Board  
Marine Safety, Office of  
Natural Resources, Department of  
Northwest Air Pollution Authority  
Parks and Recreation Commission  
Personnel Board  
Pharmacy, Board of  
Pilotage Commissioners, Board of  
Public Disclosure Commission  
Puget Sound Water Quality Authority  
Revenue, Department of  
Seattle Community Colleges  
Social and Health Services, Department of  
Southwest Air Pollution Control Authority  
Tacoma Community College  
Transportation, Department of  
Washington State Patrol  
Wildlife Commission  
Workforce Training and Education  
Coordinating Board

(Subject/Agency Index at back of issue)  
This issue contains documents officially  
filed not later than May 5, 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

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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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
93-11	Apr 21	May 5	May 19	Jun 2	Jun 22
93-12	May 5	May 19	Jun 2	Jun 16	Jul 6
93-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
93-14	Jun 9	Jun 23	Jul 7	Jul 21	Aug 10
93-15	Jun 23	Jul 7	Jul 21	Aug 4	Aug 24
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
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;

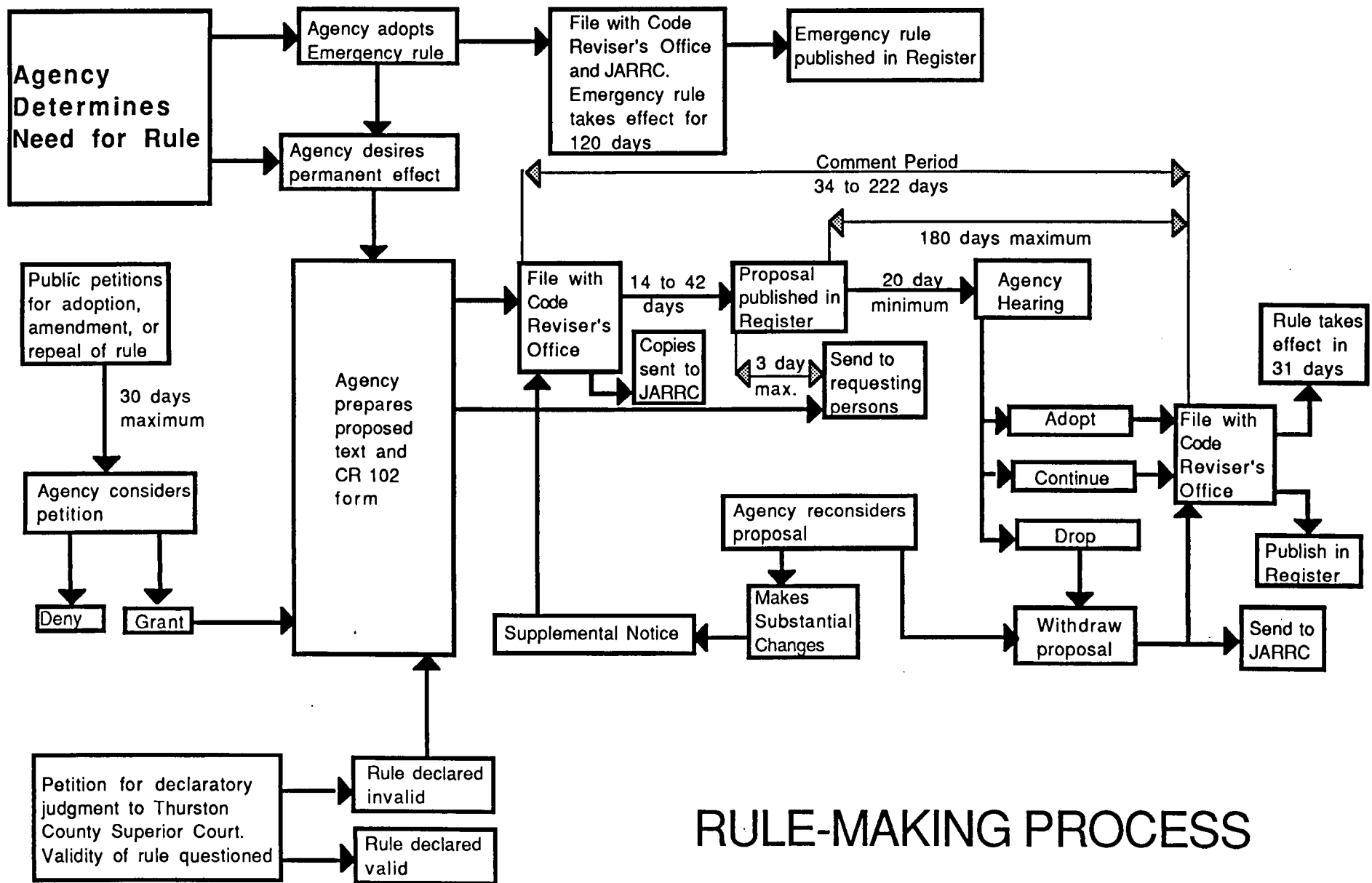
There is no economic impact on business;

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 93-10-001**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed April 21, 1993, 1:24 p.m.]

**Original Notice.**

**Title of Rule:** WAC 446-40-070 The board—Responsibilities and functions.

**Purpose:** Review of disability retirement status for Washington State Patrol personnel.

**Statutory Authority for Adoption:** RCW 43.43.040.

**Summary:** An administrative law judge shall replace the chief as a member of the disability review board.

**Reasons Supporting Proposal:** The chief of the Washington State Patrol is no longer a disability review board member.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Captain Phil Peterson, Olympia, 753-6553.

**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:** An administrative law judge shall replace the chief as a member of the disability review board.

**Proposal Changes the Following Existing Rules:** An administrative law judge shall replace the chief as a member of the disability review board.

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

**Hearing Location:** Washington State Patrol, Research and Development, General Administration Building, Room G-130, Olympia, Washington 98504-2607, on July 8, 1993, at 2:00 p.m.

**Submit Written Comments to:** Washington State Patrol, P.O. Box 42607, Olympia, WA 98504-2607, by July 8, 1993.

**Date of Intended Adoption:** July 16, 1993.

April 19, 1993  
 Roger W. Bruett  
 Chief

**AMENDATORY SECTION** (Amending Order 82-6, filed 10/21/82)

**WAC 446-40-070 The board—Responsibilities and functions.** (1) The board shall consist of ~~((the chief))~~ an administrative law judge and three members appointed by the chief, two of whom shall be appointed annually. The ~~((chief))~~ administrative law judge shall be the presiding officer and shall make all necessary rulings in the course of the hearing, but shall not participate in the deliberations or preparation of findings and recommendations by the board. The third member shall be appointed each time the board is convened and shall be of the same rank as the member whose case the board is hearing.

(2) The board shall inquire into all pertinent matters relating to the disability retirement questions before the board.

(3) The board shall obtain and review reports or testimony of mental or physical examinations of the member and shall advise the chief whether, in its opinion, the

member is mentally or physically capable of continuing in active service or of resuming active service.

(4) When reviewing the case of a member in disability retirement status, the board shall recommend whether disability retirement should be continued or whether the member shall be directed to return to active duty.

(5) When reviewing an application by a member or the personnel officer for disability retirement status, the board shall recommend whether the chief should deny or grant the application.

(6) When the board recommends that a member presently in disability retirement status should return to active duty, or that a request for disability retirement should be denied, the board shall also make findings based on the evidence before it whether the member is physically or mentally capable of performing any specific assignment while on active duty. Where the board finds the member has a physical or mental impairment or disability, it shall describe such impairment or disability and the expected duration thereof, and shall recommend specific job assignments within the department which the member is mentally and physically capable of performing in his/her present condition.

(7) When the board recommends that the application for disability retirement status should be granted, it shall also determine whether the departmental member was injured or incapacitated while in the performance of his/her official duties or while on standby or available for duty.

**WSR 93-10-002**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed April 21, 1993, 1:26 p.m.]

**Original Notice.**

**Title of Rule:** Chapter 204-82A WAC, Vehicle sunscreening devices.

**Purpose:** Amend WAC 204-82A-070.

**Statutory Authority for Adoption:** RCW 46.37.005.

**Statute Being Implemented:** RCW 46.37.430.

**Summary:** Amending WAC 204-82A-070 allowing the etching of vehicle ID numbers on window glass of vehicles.

**Reasons Supporting Proposal:** Etching of vehicle ID numbers is one way to combat vehicle theft.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Lt. Lonnie R. Brackins, 515 15th Street, Olympia, 753-0347.

**Name of Proponent:** Washington State Patrol, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Will allow for the etching of vehicle identification numbers on the glass of windows in vehicles for ID purposes. Will also limit the size and placement of this etching.

**Proposal Changes the Following Existing Rules:** Add the allowance for etching of vehicle ID numbers on vehicles.

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

**Hearing Location:** Washington State Patrol, Research and Development, General Administration Building, Room

G-130, Olympia, Washington 98504-2607, on July 8, 1993, at 1:30 p.m.

Submit Written Comments to: Washington State Patrol, P.O. Box 42607, Olympia, WA 98504-2607, by July 8, 1993.

Date of Intended Adoption: July 16, 1993.

April 19, 1993  
 Roger W. Bruett  
 Chief

AMENDATORY SECTION (Amending WSR 90-18-048, filed 8/30/90, effective 9/30/90)

**WAC 204-82A-070 Physical alteration of motor vehicle glazing material prohibited.** Window glazing, manufactured and installed in accordance with federal motor vehicle safety standards shall not be etched or otherwise permanently altered if such glazing is installed in the windshield or any other window location of a motor vehicle passenger compartment. The only exception to this rule is the etching of the vehicle identification number permissible with the following provisions:

(1) The maximum height of the letters or numbers shall not exceed one-half inch.

(2) The etched vehicle identification number shall not be located in any position as to interfere with the vision of the occupant(s).

**WSR 93-10-004  
 PROPOSED RULES  
 BUILDING CODE COUNCIL**

[Filed April 21, 1993, 3:59 p.m.]

Supplemental Notice to WSR 93-08-077.

Title of Rule: Washington State Energy Code - Reference Standard 29 Commercial Building Design by Systems Analysis.

Purpose: This proposal adopts Reference Standard 29, Commercial Building Design by System Analysis, which is a referenced standard in the proposed Washington State Energy Code (WSR 93-08-077).

Statutory Authority for Adoption: Chapter 19.27A RCW and chapter 122, Laws of 1991.

Statute Being Implemented: Chapter 122, Laws of 1991.

Summary: See WSR 93-08-077.

Reasons Supporting Proposal: See WSR 93-08-077.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-2251; and Enforcement: Local governments.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See WSR 93-08-077.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 93-08-077.

Proposal Changes the Following Existing Rules: See WSR 93-08-077.

Small Business Economic Impact Statement: See WSR 93-08-077.

Hearing Location: Auburn City Hall, 25 West Main, Auburn, WA, on June 11, 1993, at 9 a.m.

Submit Written Comments to: State Building Code Council, ATTN: Gene Colin, P.O. Box 48300, Olympia, WA 98504-8300, by June 18, 1993.

Date of Intended Adoption: July 9, 1993.

March 12, 1993

G. J. Colin  
 Chair

**REFERENCE STANDARD COMMERCIAL  
 BUILDING DESIGN BY SYSTEMS ANALYSIS**

NEW SECTION

**WAC 51-11-99901 Section 1—Scope. 1.1 General:** This Standard establishes design criteria in terms of total energy consumption of a building, including all of its systems. General principles and requirements are outlined in Section 2. Specific modeling assumptions are listed in Section 3.

The building permit application for projects utilizing this Standard shall include in one submittal all building and mechanical drawings and all information necessary to verify that the design for the project corresponds with the annual energy analysis. If credit is proposed to be taken for lighting energy savings, then electrical drawings shall also be included with the building permit application.

Due to the various assumptions that are necessary, the results of the analysis shall not be construed as a guarantee of the actual energy performance of the project.

NEW SECTION

**WAC 51-11-99902 Section 2—General principles and requirements. 2.1 Energy Analysis:** Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

a. The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

b. Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through 1415, 1440 through 1442, 1450 through 1454, and 1510 through 1513. Buildings shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1437, and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area

and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and having capacity at least as great as those used in the proposed design are employed.

**2.2 Design:** The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used. If energy consumption for heating, provided by natural gas or oil, increases because of a decrease in lighting or other electrical internal loads, the amount of additional natural gas or oil energy required shall be multiplied by the efficiency given in Tables 14-1 and 14-3, as part of the conversion into equivalent energy units.

**2.3 Analysis Procedure:** The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standards RS-27, -11, -12 and -13 listed in Chapter 7 and 17 of the Code or in other programs approved by the building official.

**2.4 Calculation Procedure:** The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 12 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

**Exception:** Proposed designs for Other Than Group R Occupancy having an area of 25,000 square feet or less are exempt from the full-year energy analysis described in the second paragraph of 2.3. However, comparison of energy consumption between the proposed design and the standard design shall be provided based on one of the programs suggested in Section 4.2 for these buildings.

**2.5 Documentation:** All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

#### NEW SECTION

**WAC 51-11-99903 Section 3—Specific modeling assumptions.** The specific modeling assumptions consist of methods and assumptions for calculating the standard energy consumption for the standard building and the proposed energy consumption of the proposed design. In order to maintain consistency between the standard and the proposed design energy consumptions, the input assumptions in this section shall be used.

"Prescribed" assumptions shall be used without variation. "Default" assumptions shall be used unless the designer can demonstrate that a different assumption better characterizes the building's use over its expected life. Any modification of a default assumption shall be used in modeling both the standard building and the proposed design unless the designer demonstrates a clear cause to do otherwise.

**3.1 Orientation and Shape:** The standard building shall consist of the same number of stories and gross floor area for each story as the proposed design. Each floor shall be oriented exactly as the proposed design. The geometric form shall be the same as the proposed design.

**3.2 Internal Loads:** Internal loads shall be modeled as noted in the following parts of Section 3.2. The systems specified for calculating the standard energy consumption in Section 3.2 are intended only as constraints in calculating the consumption. They are not intended as requirements or recommendations for systems to be used in the proposed building or for the calculation of the proposed energy consumption.

**3.2.1 Occupancy:** Occupancy schedules shall be default assumptions. The same assumptions shall be made in computing proposed energy consumption as were used in calculating the standard energy consumption. Occupancy levels vary by building type and time of day. Table 3-1 establishes the density presented as ft<sup>2</sup>/person of conditioned floor area that will be used by each building type. Table 3-2 establishes the percentage of the people that are in the building by hours of the day for each building type.

**3.2.2 Lighting:** The interior and exterior lighting power allowance for calculating the standard energy consumption shall be determined from Sections 1531 and 1532. The lighting power used to calculate the proposed energy consumption shall be the actual lighting power of the proposed lighting design. Exempt lighting in the standard design shall be equal to the exempt lighting in the proposed design.

Lighting levels in buildings vary based on the type of uses within buildings, by area and by time of day. Table 3-2 contains the lighting energy profiles which establish the percentage of the lighting load that is switched ON in each prototype or reference building by hour of the day. These profiles are default assumptions and can be changed if required when calculating the standard energy consumption to provide, for example, a 12 hour rather than an 8 hour work day or to reflect the use of automatic lighting controls. The lighting schedules used in the standard and proposed designs shall be identical and shall reflect the type of controls to be installed in the proposed design. The controls in the proposed design shall comply with the requirements in Section 1513 and no credit shall be given for the use of any additional controls, automatic or otherwise.

**3.2.3 Receptacle:** Receptacle loads and profiles are default assumptions. The same assumptions shall be made in calculating proposed energy consumption as were used in calculating the standard energy consumption. Receptacle loads include all general service loads that are typical in a building. These loads should include additional process

electrical usage but exclude HVAC primary or auxiliary electrical usage. Table 3-1 establishes the density in W/ft<sup>2</sup> to be used. The receptacle energy profiles shall be the same as the lighting energy profiles in Table 3-2. This profile establishes the percentage of the receptacle load that is switched ON by hour of the day and by building type.

### 3.3 Envelope

**3.3.1 Insulation and Glazing:** Glazing area and U-factor of the standard building envelope shall be determined by using the Target UA requirements of Table 13-1 or 13-2. The glazing shading coefficient of the standard building shall be the lesser of 0.65 and the shading coefficient required by Table 13-1 or 13-2 for the glazing area for the appropriate wall type. The opaque area U-factors of the standard building shall be determined by using the Target UA requirements from Table 13-1 or 13-2 including the appropriate mass for walls. The insulation characteristics and glazing area are prescribed assumptions for the standard building for calculating the standard energy consumption. In the calculation of the proposed energy consumption of the proposed design, the envelope characteristics of the proposed design shall be used. The standard and proposed designs shall have equal glazing areas. The distribution of glazing in the gross wall area of the standard design shall be equal to the distribution of glazing in the proposed design or shall constitute an equal percentage of gross wall area on all sides of the standard building.

**3.3.2 Infiltration:** For standard and proposed buildings, infiltration assumptions shall be equal.

**3.3.3 Envelope and Ground Absorptivities:** For the standard building, absorptivity assumptions shall be default assumptions for computing the standard energy consumption and default assumptions for computing the proposed energy consumption. The solar absorptivity of opaque elements of the building envelope shall be assumed to be 70 percent. The solar absorptivity of ground surfaces shall be assumed to be 80 percent (20 percent reflectivity).

**3.3.4 Window Treatment:** No draperies or blinds shall be modeled for the standard or proposed building.

**3.3.5 Shading:** For standard building and the proposed design, shading by permanent structures and terrain shall be taken into account for computing energy consumption whether or not these features are located on the building site. A permanent fixture is one that is likely to remain for the life of the proposed design. Credit may be taken for external shading devices that are part of the proposed design.

**3.4 HVAC Systems and Equipment:** For the standard building, the HVAC system used shall be the system type used in the proposed design. If the proposed HVAC system type does not comply with Sections 1432 through 1437, the standard design system shall comply in all respects with those sections.

Exception: When approved by the building official, a prototype HVAC system may be used, if the proposed design system cannot be modified to comply with Sections 1422 and 1432 - 1438, as a standard design. Use of prototype HVAC systems shall only be permitted for the building types listed below. For mixed-use buildings, the floor space of each building type is allocated within the floor

space of the standard building. The specifications and requirements for the HVAC systems of prototype buildings shall be those in Table 3-3.

- |                         |                         |
|-------------------------|-------------------------|
| 1. assembly             | 6. restaurant           |
| 2. health/institutional | 7. retail (mercantile)  |
| 3. hotel/motel          | 8. school (educational) |
| 4. light manufacturing  | 9. warehouse (storage). |
| 5. office (business)    |                         |

**3.4.1 HVAC Zones:** HVAC zones for calculating the standard energy consumption and proposed energy consumption shall consist of at least four perimeter and one interior zone per floor, with at least one perimeter zone facing each orientation. The perimeter zones shall be fifteen feet in width or one-third the narrow dimension of the building when this dimension is between 30 and 45 feet inclusive or half the narrow dimension of the building when this dimension is less than thirty feet.

**Exceptions:**

1. Building types such as assembly or warehouse may be modeled as a single zone if there is only one space.
2. Thermally similar zones, such as those facing one orientation on different floors, may be grouped together for the purposes of either the standard or proposed building simulation.

**3.4.2 Process Equipment Sizing:** Process sensible and latent loads shall be equal in calculating both the standard energy consumption and the proposed energy consumption. The designer shall document the installation of process equipment and the size of process loads.

**3.4.3 HVAC Equipment Sizing:** The equipment shall be sized to include the capacity to meet the process loads. For calculating the proposed energy consumption, actual air flow rates and installed equipment size shall be used in the simulation. Equipment sizing in the simulation of the proposed design shall correspond to the equipment intended to be selected for the design and the designer shall not use equipment sized automatically by the simulation tool.

Equipment sizing for the standard design shall be based on the same as the proposed design or lesser sizing ratio of installed system capacity to the design load for heating and for cooling.

Chilled water systems for the standard building shall be modeled using a reciprocating chiller for systems with total cooling capacities less than 175 tons, and centrifugal chillers for systems with cooling capacities of 175 tons or greater. For systems with cooling capacities of 600 tons or more the standard energy consumption shall be calculated using two centrifugal chillers, lead/lag controlled. Chilled water shall be assumed to be controlled at a constant 44 degree F temperature rise, from 44 degrees F to 56 degrees F, operating at 65 percent combined impeller and motor efficiency. Condenser water pumps shall be sized using a 10 degree F temperature rise, operating at 60 percent combined impeller and motor efficiency. The cooling tower shall be an open circuit, centrifugal blower type sized for the larger of 85 degrees F leaving water temperature or 10 degrees F approach to design wetbulb temperature. The tower shall be controlled to provide a 65 degrees F leaving water temperature whenever weather conditions permit, floating up to design leaving water temperature at design conditions.

**3.4.4 Variable Speed:** The energy of the combined fan system per air volume at design conditions (w/cfm) of the proposed design shall be equal to that of the standard design.

Variable air volume fan systems in the standard building shall be variable speed.

**3.5 Service Water Heating:** The service water heating loads for prototype buildings are defined in terms of Btu/person-hour in Table 3-1. The values in the table refer to energy content of the heated water. The service water heating loads from Table 3-1 are default for all buildings. The same service-water-heating load assumptions shall be made in calculating proposed energy consumption as were used in calculating the standard energy consumption. The service water heating system for the standard building shall be modeled as closely as possible as if it were designed in accordance with the ASHRAE Handbook, 1987 HVAC Systems and Applications Volume and meeting all the requirements of Sections 1440 through 1442.

**3.6 Controls**

**3.6.1:** All occupied conditioned spaces in standard and proposed design buildings in all climates shall be simulated as being both heated and cooled.

**Exceptions:**

1. If a building or portion of a building is to be provided with only heating or cooling, both the standard building and the proposed design shall be simulated using the same assumptions.
2. If warehouses are not intended to be mechanically cooled, both the standard and proposed energy consumption shall be modeled assuming no mechanical cooling.

**3.6.2:** Space temperature controls for the standard building, shall be set at 70 degrees F for space heating and 75 degrees F for space cooling, with a deadband in accordance with Section 1412.2. The system shall be OFF during off-hours according to the appropriate schedule in Table 3-2, except that the heating system shall cycle ON if any space should drop below the night setback setting 55 degrees F. There shall be no similar setpoint during the cooling season. Lesser deadband ranges may be used in calculating the proposed energy consumption.

**Exceptions:**

1. Setback shall not be modeled in determining either the standard or proposed energy consumption if setback is not realistic for the proposed design such as a facility being operated 24 hours/day. For instance, health facilities need not have night setback during the heating season.
2. If deadband controls are not to be installed, the proposed energy consumption shall be calculated with both heating and cooling thermostat setpoints set to the same value between 70 degrees F and 75 degrees F inclusive, assumed to be constant for the year.

**3.6.3:** When providing for outdoor air ventilation when calculating the standard energy consumption, controls shall be assumed to close the outside air intake to reduce the flow of outside air to 0.0 cfm during "setback" and "unoccupied" periods. Ventilation using inside air may still be required to maintain scheduled setback temperature. Outside air ventilation, during occupied periods, shall be as required by the Washington State Ventilation and Indoor Air Quality Code.

3.6.4: If humidification is to be used in the proposed design, the same level of humidification and system type shall be used in the standard building.

**TABLE 3-1**  
Acceptable Occupancy Densities, Receptacle Power Densities and Service Hot Water Consumption<sup>1</sup>

Building Type	Occupancy Density <sup>2</sup> Sq. Ft./Person (Btu/h·sq. ft.)	Receptacle Power Density <sup>3</sup> Watts/Sq. Ft. (Btu/h·sq. ft.)	Service Hot Water Quantities <sup>4</sup> Btu/h·person
Assembly	50 (4.60)	0.25 (0.85)	215
Health/Institutional	200 (1.15)	1.00 (3.41)	135
Hotel/Motel	250 (0.92)	0.25 (0.85)	1,110
Light Manufacturing	750 (0.31)	0.20 (0.68)	225
Office	275 (0.84)	0.75 (2.56)	175
Parking Garage	N.A.	N.A.	N.A.
Restaurant	100 (2.30)	0.10 (0.34)	390
Retail	300 (0.77)	0.25 (0.85)	135
School	75 (3.07)	0.50 (1.71)	215
Warehouse	15,000 (0.02)	0.10 (0.34)	225

1. The occupancy densities, receptacle power densities and service hot water consumption values are from ASHRAE Standard 90.1-1989 and addenda.
2. Values are in square feet of conditioned floor area per person. Heat generation in Btu per person per hour is 230 sensible and 190 latent. Figures in parentheses are equivalent Btu per hour per square foot.
3. Values are in Watts per square foot of conditioned floor area. Figures in parentheses are equivalent Btu per hour per square foot. These values are the minimum acceptable. If other process loads are not input (such as for computers, cooking, refrigeration, etc.), it is recommended that receptacle power densities be increased until total process energy consumption is equivalent to 25% of the total.
4. Values are in Btu per person per hour and were developed to be used with the occupancy density listed and the schedules which follow.



**TABLE 3-2a**  
**Assembly Occupancy<sup>1</sup>**

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
6 (5-6am)	0	0	0	5	5	5	on	off	off	0	0	0	0	0	0
7 (6-7am)	0	0	0	40	5	5	on	on	on	0	0	0	0	0	0
8 (7-8am)	0	0	0	40	30	30	on	on	on	0	0	0	0	0	0
9 (8-9am)	20	20	10	40	30	30	on	on	on	0	0	0	0	0	0
10 (9-10am)	20	20	10	75	50	30	on	on	on	5	5	5	0	0	0
11 (10-11am)	20	20	10	75	50	30	on	on	on	5	5	5	0	0	0
12 (11-12pm)	80	60	10	75	50	30	on	on	on	35	20	10	0	0	0
13 (12-1pm)	80	60	10	75	50	65	on	on	on	5	0	0	0	0	0
14 (1-2pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
15 (2-3pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
16 (3-4pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
17 (4-5pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
18 (5-6pm)	80	60	70	75	50	65	on	on	on	0	0	0	0	0	0
19 (6-7pm)	20	60	70	75	50	65	on	on	on	0	0	0	0	0	0
20 (7-8pm)	20	60	70	75	50	65	on	on	on	0	65	65	0	0	0
21 (8-9pm)	20	60	70	75	50	65	on	on	on	0	30	30	0	0	0
22 (9-10pm)	20	80	70	75	50	65	on	on	on	0	0	0	0	0	0
23 (10-11pm)	10	10	20	25	50	5	on	on	on	0	0	0	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
Total/Day	710	750	700	1155	800	845	1800	1700	1700	70	125	115	0	0	0
Total/Week		50.50 hours			74.20 hours			124 hours			5.9 hours		0	hours	
Total/Year		2633 hours			3869 hours			6465 hours			308 hours		0	hours	

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2b**  
Health Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator			
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load			
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	
1 (12-1am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
2 (1-2am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
3 (2-3am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
4 (3-4am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
5 (4-5am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
6 (5-6am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
7 (6-7am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
8 (7-8am)	10	10	0	50	20	5	on	on	on	17	1	1	2	2	0	
9 (8-9am)	50	30	5	90	40	10	on	on	on	58	20	1	75	46	2	
10 (9-10am)	80	40	5	90	40	10	on	on	on	66	28	1	100	70	2	
11 (10-11am)	80	40	5	90	40	10	on	on	on	78	30	1	100	70	2	
12 (11-12pm)	80	40	5	90	40	10	on	on	on	82	30	1	100	70	2	
13 (12-1pm)	80	40	5	90	40	10	on	on	on	71	24	1	75	51	2	
14 (1-2pm)	80	40	5	90	40	10	on	on	on	82	24	1	100	51	2	
15 (2-3pm)	80	40	5	90	40	10	on	on	on	78	23	1	100	51	2	
16 (3-4pm)	80	40	5	90	40	10	on	on	on	74	23	1	100	51	2	
17 (4-5pm)	80	40	0	30	40	5	on	on	on	63	23	1	100	51	0	
18 (5-6pm)	50	10	0	30	40	5	on	on	on	41	10	1	100	25	0	
19 (6-7pm)	30	10	0	30	10	5	on	on	on	18	1	1	52	2	0	
20 (7-8pm)	30	0	0	30	10	5	on	on	on	18	1	1	52	0	0	
21 (8-9pm)	20	0	0	30	10	5	on	on	on	18	1	1	52	0	0	
22 (9-10pm)	20	0	0	30	10	5	on	on	on	10	1	1	28	0	0	
23 (10-11pm)	0	0	0	30	10	5	on	on	on	1	1	1	0	0	0	
24 (11-12am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0	
Total/Day	850	380	40	1060	550	160	2400	2400	2400	783	249	24	1136	540	16	
Total/Week		46.70	hours		60.10	hours			168	hours		41.88	hours		62.36	hours
Total/Year		2435	hours		3134	hours			8760	hours		2148	hours		3251	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

PROPOSED

**TABLE 3-2c**  
**Hotel/Motel Occupancy<sup>1</sup>**

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator			
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load			
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	
1 (12-1am)	90	90	70	20	20	30	on	on	on	20	20	25	40	44	55	
2 (1-2am)	90	90	70	15	20	30	on	on	on	15	15	20	33	35	55	
3 (2-3am)	90	90	70	10	10	20	on	on	on	15	15	20	33	35	43	
4 (3-4am)	90	90	70	10	10	20	on	on	on	15	15	20	33	35	43	
5 (4-5am)	90	90	70	10	10	20	on	on	on	20	20	20	33	35	43	
6 (5-6am)	90	90	70	20	10	20	on	on	on	25	25	30	33	35	43	
7 (6-7am)	70	70	70	40	30	30	on	on	on	50	40	50	42	40	52	
8 (7-8am)	40	50	70	50	30	40	on	on	on	60	50	50	42	32	52	
9 (8-9am)	40	50	50	40	40	40	on	on	on	55	50	50	52	45	65	
10 (9-10am)	20	30	50	40	40	30	on	on	on	45	50	55	52	45	65	
11 (10-11am)	20	30	50	25	30	30	on	on	on	40	45	50	40	42	53	
12 (11-12pm)	20	30	30	25	25	30	on	on	on	45	50	50	51	60	60	
13 (12-1pm)	20	30	30	25	25	30	on	on	on	40	50	40	51	65	53	
14 (1-2pm)	20	30	20	25	25	20	on	on	on	35	45	40	51	65	51	
15 (2-3pm)	20	30	20	25	25	20	on	on	on	30	40	30	51	65	50	
16 (3-4pm)	30	30	20	25	25	20	on	on	on	30	40	30	51	65	44	
17 (4-5pm)	50	30	30	25	25	20	on	on	on	30	35	30	63	65	64	
18 (5-6pm)	50	50	40	25	25	20	on	on	on	40	40	40	80	75	62	
19 (6-7pm)	50	60	40	60	60	50	on	on	on	55	55	50	86	80	65	
20 (7-8pm)	70	60	60	80	70	70	on	on	on	60	55	50	70	80	63	
21 (8-9pm)	70	60	60	90	70	80	on	on	on	50	50	40	70	75	63	
22 (9-10pm)	80	70	80	80	70	60	on	on	on	55	55	50	70	75	63	
23 (10-11pm)	90	70	80	60	60	50	on	on	on	45	40	40	45	55	40	
24 (11-12am)	90	70	80	30	30	30	on	on	on	25	30	20	45	55	40	
Total/Day	1390	1390	1300	855	785	810	2400	2400	2400	915	930	900	1217	1303	1287	
Total/Week		96.40	hours		58.70	hours			168.0	hours		64.05	hours		86.75	hours
Total/Year		5026	hours		3061	hours			8760	hours		3340	hours		4523	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2d**  
Light Manufacturing Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
6 (5-6am)	0	0	0	10	5	5	off	off	off	8	8	7	0	0	0
7 (6-7am)	10	10	5	10	10	5	on	on	off	7	7	4	0	0	0
8 (7-8am)	20	10	5	30	10	5	on	on	off	19	11	4	35	16	0
9 (8-9am)	95	30	5	90	30	5	on	on	off	35	15	4	69	14	0
10 (9-10am)	95	30	5	90	30	5	on	on	off	38	21	4	43	21	0
11 (10-11am)	95	30	5	90	30	5	on	on	off	39	19	4	37	18	0
12 (11-12pm)	95	30	5	90	30	5	on	on	off	47	23	6	43	25	0
13 (12-1pm)	50	10	5	80	15	5	on	on	off	57	20	6	58	21	0
14 (1-2pm)	95	10	5	90	15	5	on	on	off	54	19	9	48	13	0
15 (2-3pm)	95	10	5	90	15	5	on	on	off	34	15	6	37	8	0
16 (3-4pm)	95	10	5	90	15	5	on	on	off	33	12	4	37	4	0
17 (4-5pm)	95	10	5	90	15	5	on	on	off	44	14	4	46	5	0
18 (5-6pm)	30	5	5	50	5	5	on	on	off	26	7	4	62	6	0
19 (6-7pm)	10	5	0	30	5	5	on	off	off	21	7	4	20	0	0
20 (7-8pm)	10	0	0	30	5	5	on	off	off	15	7	4	12	0	0
21 (8-9pm)	10	0	0	20	5	5	on	off	off	17	7	4	4	0	0
22 (9-10pm)	10	0	0	20	5	5	on	off	off	8	9	7	4	0	0
23 (10-11pm)	5	0	0	10	5	5	off	off	off	5	5	4	0	0	0
24 (11-12am)	5	0	0	5	5	5	off	off	off	5	5	4	0	0	0
Total/Day	920	200	60	1040	280	120	1600	1200	0	537	256	113	555	151	0
Total/Week		48.60	hours		56.00	hours		92.00	hours		30.54	hours		29.26	hours
Total/Year		2534	hours		2920	hours		4797	hours		1592	hours		1526	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-198 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2e**  
Office Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
6 (5-6am)	0	0	0	10	5	5	off	off	off	8	8	7	0	0	0
7 (6-7am)	10	10	5	10	10	5	on	on	off	7	7	4	0	0	0
8 (7-8am)	20	10	5	30	10	5	on	on	off	19	11	4	35	16	0
9 (8-9am)	95	30	5	90	30	5	on	on	off	35	15	4	69	14	0
10 (9-10am)	95	30	5	90	30	5	on	on	off	38	21	4	43	21	0
11 (10-11am)	95	30	5	90	30	5	on	on	off	39	19	4	37	18	0
12 (11-12pm)	95	30	5	90	30	5	on	on	off	47	23	6	43	25	0
13 (12-1pm)	50	10	5	80	15	5	on	on	off	57	20	6	58	21	0
14 (1-2pm)	95	10	5	90	15	5	on	on	off	54	19	9	48	13	0
15 (2-3pm)	95	10	5	90	15	5	on	on	off	34	15	6	37	8	0
16 (3-4pm)	95	10	5	90	15	5	on	on	off	33	12	4	37	4	0
17 (4-5pm)	95	10	5	90	15	5	on	on	off	44	14	4	46	5	0
18 (5-6pm)	30	5	5	50	5	5	on	on	off	26	7	4	62	6	0
19 (6-7pm)	10	5	0	30	5	5	on	off	off	21	7	4	20	0	0
20 (7-8pm)	10	0	0	30	5	5	on	off	off	15	7	4	12	0	0
21 (8-9pm)	10	0	0	20	5	5	on	off	off	17	7	4	4	0	0
22 (9-10pm)	10	0	0	20	5	5	on	off	off	8	9	7	4	0	0
23 (10-11pm)	5	0	0	10	5	5	off	off	off	5	5	4	0	0	0
24 (11-12am)	5	0	0	5	5	5	off	off	off	5	5	4	0	0	0
Total/Day	920	200	60	1040	280	120	1600	1200	0	537	256	113	555	151	0
Total/Week		48.60	hours		56.00	hours		92.00	hours		30.54	hours		29.26	hours
Total/Year		2534	hours		2920	hours		4797	hours		1592	hours		1526	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2f**  
**Parking Garage Occupancy<sup>1</sup>**

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)				100	100	100									
2 (1-2am)				100	100	100									
3 (2-3am)				100	100	100									
4 (3-4am)				100	100	100									
5 (4-5am)				100	100	100									
6 (5-6am)				100	100	100									
7 (6-7am)				100	100	100									
8 (7-8am)				100	100	100									
9 (8-9am)				100	100	100									
10 (9-10am)				100	100	100									
11 (10-11am)				100	100	100									
12 (11-12pm)			N/A	100	100	100									
13 (12-1pm)				100	100	100									
14 (1-2pm)				100	100	100									
15 (2-3pm)				100	100	100									
16 (3-4pm)				100	100	100									
17 (4-5pm)				100	100	100									
18 (5-6pm)				100	100	100									
19 (6-7pm)				100	100	100									
20 (7-8pm)				100	100	100									
21 (8-9pm)				100	100	100									
22 (9-10pm)				100	100	100									
23 (10-11pm)				100	100	100									
24 (11-12am)				100	100	100									
Total/Day				2400	2400	2400									
Total/Week					168	hours									
Total/Year					8760	hours									

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-198 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2g**  
**Restaurant Occupancy<sup>1</sup>**

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	15	30	20	15	20	20	on	on	on	20	20	25	0	0	0
2 (1-2am)	15	25	20	15	15	15	on	on	on	15	15	20	0	0	0
3 (2-3am)	5	5	5	15	15	15	on	on	on	15	15	20	0	0	0
4 (3-4am)	0	0	0	15	15	15	off	off	off	0	0	0	0	0	0
5 (4-5am)	0	0	0	15	15	15	off	off	off	0	0	0	0	0	0
6 (5-6am)	0	0	0	20	15	15	off	off	off	0	0	0	0	0	0
7 (6-7am)	0	0	0	40	30	30	off	off	off	0	0	0	0	0	0
8 (7-8am)	5	0	0	40	30	30	on	off	off	60	0	0	0	0	0
9 (8-9am)	5	0	0	60	60	50	on	off	off	55	0	0	0	0	0
10 (9-10am)	5	5	0	60	60	50	on	on	off	45	50	0	0	0	0
11 (10-11am)	20	20	10	90	80	70	on	on	on	40	45	50	0	0	0
12 (11-12pm)	50	45	20	90	80	70	on	on	on	45	50	50	0	0	0
13 (12-1pm)	80	50	25	90	80	70	on	on	on	40	50	40	0	0	0
14 (1-2pm)	70	50	25	90	80	70	on	on	on	35	45	40	0	0	0
15 (2-3pm)	40	35	15	90	80	70	on	on	on	30	40	30	0	0	0
16 (3-4pm)	20	30	20	90	80	70	on	on	on	30	40	30	0	0	0
17 (4-5pm)	25	30	25	90	80	60	on	on	on	30	35	30	0	0	0
18 (5-6pm)	50	30	35	90	90	60	on	on	on	40	40	40	0	0	0
19 (6-7pm)	80	70	55	90	90	60	on	on	on	55	55	50	0	0	0
20 (7-8pm)	80	90	65	90	90	60	on	on	on	60	55	50	0	0	0
21 (8-9pm)	80	70	70	90	90	60	on	on	on	50	50	40	0	0	0
22 (9-10pm)	50	65	35	90	90	60	on	on	on	55	55	50	0	0	0
23 (10-11pm)	35	55	20	50	50	50	on	on	on	45	40	40	0	0	0
24 (11-12am)	20	35	20	30	30	30	on	on	on	25	30	20	0	0	0
Total/Day	750	740	485	1455	1365	1115	2000	1800	1700	790	730	625	0	0	0
Total/Week		49.75	hours		97.55	hours		135	hours		53.05	hours		0	hours
Total/Year		2594	hours		5086	hours		7039	hours		2766	hours		0	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2h**  
Retail Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	4	11	7	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	10	7	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	8	7	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
7 (6-7am)	0	0	0	5	5	5	on	on	off	4	7	7	0	0	0
8 (7-8am)	10	10	0	20	10	5	on	on	off	15	20	10	12	9	0
9 (8-9am)	20	20	0	50	30	10	on	on	on	23	24	12	22	21	0
10 (9-10am)	50	50	10	90	60	10	on	on	on	32	27	14	64	56	11
11 (10-11am)	50	60	20	90	90	40	on	on	on	41	42	29	74	66	13
12 (11-12pm)	70	80	20	90	90	40	on	on	on	57	54	31	68	68	35
13 (12-1pm)	70	80	40	90	90	60	on	on	on	62	59	36	68	68	37
14 (1-2pm)	70	80	40	90	90	60	on	on	on	61	60	36	71	69	37
15 (2-3pm)	70	80	40	90	90	60	on	on	on	50	49	34	72	70	39
16 (3-4pm)	80	80	40	90	90	60	on	on	on	45	48	35	72	69	41
17 (4-5pm)	70	80	40	90	90	60	on	on	on	46	47	37	73	66	38
18 (5-6pm)	50	60	20	90	90	40	on	on	off	47	46	34	68	58	34
19 (6-7pm)	50	20	10	60	50	20	on	on	off	42	44	25	68	47	3
20 (7-8pm)	30	20	0	60	30	5	on	on	off	34	36	27	58	43	0
21 (8-9pm)	30	20	0	50	30	5	on	on	off	33	29	21	54	43	0
22 (9-10pm)	0	10	0	20	10	5	off	on	off	23	22	16	0	8	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	13	16	10	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	8	13	6	0	0	0
Total/Day	720	750	280	1115	985	525	1500	1600	900	662	690	459	844	761	288
Total/Week		46.30	hours		70.85	hours		100	hours		44.59	hours		52.69	hours
Total/Year		2414	hours		3694	hours		5214	hours		2325	hours		2747	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.



**TABLE 3-2i**  
School Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
7 (6-7am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
8 (7-8am)	5	0	0	30	5	5	on	off	off	10	3	3	0	0	0
9 (8-9am)	75	10	0	85	15	5	on	on	off	34	3	5	30	0	0
10 (9-10am)	90	10	0	95	15	5	on	on	off	60	5	5	30	0	0
11 (10-11am)	90	10	0	95	15	5	on	on	off	63	5	5	30	0	0
12 (11-12pm)	80	10	0	95	15	5	on	on	off	72	5	5	30	0	0
13 (12-1pm)	80	10	0	80	15	5	on	on	off	79	5	5	30	0	0
14 (1-2pm)	80	0	0	80	5	5	on	off	off	83	3	5	30	0	0
15 (2-3pm)	80	0	0	80	5	5	on	off	off	61	3	3	30	0	0
16 (3-4pm)	45	0	0	70	5	5	on	off	off	65	3	3	15	0	0
17 (4-5pm)	15	0	0	50	5	5	on	off	off	10	3	3	0	0	0
18 (5-6pm)	5	0	0	50	5	5	on	off	off	10	3	3	0	0	0
19 (6-7pm)	15	0	0	35	5	5	on	off	off	19	3	3	0	0	0
20 (7-8pm)	20	0	0	35	5	5	on	off	off	25	3	3	0	0	0
21 (8-9pm)	20	0	0	35	5	5	on	off	off	22	3	3	0	0	0
22 (9-10pm)	10	0	0	30	5	5	on	off	off	22	3	3	0	0	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	12	3	3	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	9	3	3	0	0	0
Total/Day	710	50	0	990	170	120	1500	500	0	691	80	84	285	0	0
Total/Week		36.00	hours		52.40	hours		80.00	hours		36.19	hours		14.25	hours
Total/Year		1877	hours		2732	hours		4171	hours		1887	hours		743	hours

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-2j**  
Warehouse Occupancy<sup>1</sup>

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun	Wkdy	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	2	2	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	7	2	2	0	0	0
7 (6-7am)	0	0	0	5	5	5	off	off	off	7	2	2	0	0	0
8 (7-8am)	15	0	0	40	5	5	on	off	off	10	2	2	0	0	0
9 (8-9am)	70	20	0	70	8	5	on	on	off	30	6	2	0	0	0
10 (9-10am)	90	20	0	90	24	5	on	on	off	36	12	2	0	0	0
11 (10-11am)	90	20	0	90	24	5	on	on	off	36	12	2	30	0	0
12 (11-12pm)	90	20	0	90	24	5	on	on	off	46	17	2	0	0	0
13 (12-1pm)	50	10	0	80	5	5	on	on	off	57	4	4	0	0	0
14 (1-2pm)	85	10	0	90	5	5	on	on	off	43	4	4	0	0	0
15 (2-3pm)	85	10	0	90	5	5	on	on	off	38	2	2	0	0	0
16 (3-4pm)	85	10	0	90	5	5	on	on	off	40	2	2	40	0	0
17 (4-5pm)	20	0	0	90	5	5	on	off	off	30	2	2	0	0	0
18 (5-6pm)	0	0	0	30	5	5	off	off	off	18	2	2	0	0	0
19 (6-7pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
20 (7-8pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
21 (8-9pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
22 (9-10pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
Total/Day	680	120	0	915	180	120	1000	800	0	429	91	52	70	0	0
Total/Week		35.20 hours			48.75 hours			58.00 hours			22.88 hours			3.50 hours	
Total/Year		1835 hours			2542 hours			3024 hours			1193 hours			182 hours	

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5 percent emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0 percent when occupancy is 0 percent. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

**TABLE 3-3**  
HVAC Systems of Prototype Buildings<sup>3</sup>

Use	System #	Remarks
1. Assembly		
a. Churches (any size)	1	
b. ≤ 50,000 ft <sup>2</sup> or ≤ 3 floors	1 or 3	Note 2
c. > 50,000 ft <sup>2</sup> or > 3 floors	3	
2. Health		
a. Nursing Home (any size)	2	
b. ≤ 15,000 ft <sup>2</sup>	1	
c. > 15,000 ft <sup>2</sup> and ≤ 50,000 ft <sup>2</sup>	4	Note 3
d. > 50,000 ft <sup>2</sup>	5	Note 3, 4
3. Hotel/Motel		
a. ≤ 3 Stories	2	Note 6
b. > 3 Stories	6	Note 7
4. Light Manufacturing	1 or 3	
5. Office		
a. ≤ 20,000 ft <sup>2</sup>	1	
b. > 20,000 ft <sup>2</sup> and either ≤ 3 floors or ≤ 75,000 ft <sup>2</sup>	4	
c. > 75,000 ft <sup>2</sup> or > 3 floors	5	
6. Restaurant	1 or 3	Note 2
7. Retail		
a. ≤ 50,000 ft <sup>2</sup>	1 or 3	Note 2
b. > 50,000 ft <sup>2</sup>	4 or 5	Note 2
8. Schools		
a. ≤ 75,000 ft <sup>2</sup> or ≤ 3 floors	1	
b. > 75,000 ft <sup>2</sup> or > 3 floors	3	
9. Warehouse		Note 5

Footnote to TABLE 3-3: The systems and energy types presented in this table are not intended as requirements or recommendations for the proposed design. Floor areas in the table are the total conditioned floor areas for the listed use in the building. The number of floors indicated in the table is the total number of occupied floors for the listed use.

**TABLE 3-3 (cont.)**  
HVAC System Descriptions for Prototype Buildings<sup>1</sup>

HVAC Component	System #1	System #2
System Description	Packaged rooftop single zone, one unit per zone.	Packaged terminal air conditioner with space heater or heat pump, heating or cooling unit per zone.
Fan System		
Design Supply Circulation Rate	Note 10	Note 11
Supply Fan Control	Constant volume.	Fan cycles with call for heating or cooling.
Return Fan Control	N.A.	N.A.
Cooling System	Direct expansion air cooled	Direct expansion air cooled.
Heating System	Furnace, heat pump, or electric resistance.	Heat pump with electric resistance auxiliary or air conditioner with space heater.
Remarks	Drybulb economizer per Section 1433, heat recovery if required by Section 1436.	No economizer, if not required by Section 1433.

**TABLE 3-3 (cont.)**  
HVAC System Descriptions for Prototype Buildings<sup>1</sup>

HVAC Component	System #3	System #4
System Description	Air handler per zone with central plant.	Packaged rooftop VAV with perimeter reheat and fan-powered terminal units.
Fan System		
Design Supply Circulation Rate	Note 10	Note 10
Supply Fan Control	Constant volume.	VAV with forward curved centrifugal fan and variable inlet fans.
Return Fan Control	Constant volume.	VAV with forward curved centrifugal fan and discharge dampers.
Cooling System	Chilled water (Note 12)	Direct expansion air cooled.
Heating System	Hot water (Note 13)	Hot water (Note 13) or electric resistance.
Remarks	Drybulb economizer per Section 1433, heat recovery if required by Section 1436.	Drybulb economizer per Section 1433. Minimum VAV setting per Section 1435 Exception 1, Supply air reset by zone of greatest cooling demand.

**TABLE 3-3 (cont.)**  
HVAC System Descriptions for Prototype Buildings<sup>1</sup>

HVAC Component	System #5	System #6
System Description	Built-up central VAV with perimeter reheat and fan-powered terminal units	Four-pipe fan coil per zone with central plant.
Fan System		
Design Supply Circulation Rate	Note 10	Note 10
Supply Fan Control	VAV with air-foil centrifugal fan and AC frequency variable speed drive.	Fan cycles with call for heating or cooling.
Return Fan Control	VAV with air-foil centrifugal fan and AC frequency variable speed drive.	N.A.
Cooling System	Chilled water (Note 12)	Chilled water (Note 12)
Heating System	Hot water (Note 13) or electric resistance.	Hot water (Note 13) or electric resistance.
Remarks	Drybulb economizer per Section 1433. Minimum VAV setting per Section 1435 Exception 1, Supply air reset by zone of greatest cooling demand.	No economizer, if not required by Section 1433.

**TABLE 3-3 (cont.)**  
HVAC System Descriptions for Prototype Buildings<sup>1</sup>

HVAC Component	System #7
System Description	Water source heat pump.
Fan System	
Design Supply Circulation Rate	Note 11
Supply Fan Control	Fan cycles with control call for heating or cooling.
Return Fan Control	N.A.
Cooling System	Closed circuit, centrifugal blower type cooling tower sized per Note 12. Circulating pump sized for 2.7 gpm per ton.
Heating System	Electric or natural draft fossil fuel boiler.
Remarks	Tower fans and boiler cycled to maintain circulating water temperature between 60° F and design tower leaving water temperature.

Footnotes for Table 3-3

HVAC System Descriptions for Prototype Buildings

1. The systems and energy types presented in this Table are not intended as requirements or recommendations for the proposed design.
2. For occupancies such as restaurants, assembly and retail that are part of a mixed use building which, according to Table 3-3, includes a central chilled water plant (systems 3, 5, or 6), chilled water system type 3 or 5 shall be used as indicated in the table.
3. Constant volume may be used in zones where pressurization relationships must be maintained by code. Where constant volume is used, the system shall have heat recovery if required by Section 1436. VAV shall be used in all other areas, in accordance with Sections 1432 through 1438.
4. Provide run-around heat recovery systems for all fan systems with a minimum outside air intake greater than 75 percent. Recovery effectiveness shall be 0.60.
5. If a warehouse is not intended to be mechanically cooled, both the standard and proposed designs may be calculated assuming no mechanical cooling.
6. The system listed is for guest rooms only. Areas such as public areas and back-of-house areas shall be served by system 4. Other areas such as offices and retail shall be served by systems listed in Table 3-3 for these occupancy types.
7. The system listed is for guest rooms only. Areas such as public areas and back-of-house areas shall be served by system 5. Other areas such as offices and retail shall be served by systems listed in Table 3-3 for these occupancy types.
8. Reserved.
9. Reserved.
10. Design supply air circulation rate shall be based on a supply-air-to-room air temperature difference of 20° F. A higher supply air temperature may be used if required to maintain a minimum circulation rate of 4.5 air changes per hour or 15 cfm per person to each zone served by the system, at design conditions. If return fans are specified, they shall be sized for the supply fan capacity less the required minimum ventilation with outside air, or 75 percent of the supply fan capacity, whichever is larger. Except where noted, supply and return fans shall be operated continuously during occupied hours.
11. Fan energy when included in the efficiency rating of the unit as defined in Section 1411, need not be modeled explicitly for this system. The fan shall cycle with calls for heating or cooling.
12. Chilled water systems shall be modeled using a reciprocating chiller for systems with total cooling capacities less than 175 tons, and centrifugal chillers for systems with cooling capacities of 175 tons or greater. For systems with cooling capacities of 600 tons or more, the standard design energy consumption shall be calculated using two centrifugal chillers, lead/lag controlled. Chilled water shall be assumed to be controlled at a constant 44° F. Chiller water pumps shall be sized using a 12° F temperature rise, from 44° to 56° F, operating at 65 percent combined impeller and motor efficiency. Condenser water pumps shall be sized using a 10° F temperature rise, operating at 60 percent combined impeller and motor efficiency. The cooling tower shall be an open circuit, centrifugal blower type sized for the larger of 85° F leaving water temperature or 10° F approach to design wetbulb temperature. The tower shall be controlled to provide a 65° F leaving water temperature whenever weather conditions permit, floating up to design leaving water temperatures at design conditions. Chilled water supply temperature shall be reset in accordance with Section 1432.2.2.
13. Hot water system shall include a natural draft fossil fuel or electric boiler. The hot water pump shall be sized based on a 30° F temperature drop, from 180° F to 150° F, operating at a combined impeller and motor efficiency of 60 percent. Hot water supply temperature shall be reset in accordance with Section 1432.2.2.

NEW SECTION

**WAC 51-11-99904 Section 4—Suggested software for systems analysis approach.**

**4.1 Programs Acceptable for Projects for Full-Year Hourly Analysis**

Program Name	Source
ADM.2, ADM-DOE	ADM Associates 3299 Ramos Circle Sacramento, CA 95827 916-363-8383
Micro-Access 10.1, PC	Edison Electric Institute PO Box 1235 Roswell, GA 30077 404-993-2406
Blast 3.0 (Level 193)	Blast Support Office University of Illinois Dept. of Mechanical and Industrial Engineering 1206 W. Green Room 30, MEB Urbana, IL 61801 1-800-842-5278
DOE 2.1	Energy Science and Technology Software Center PO Box 1220 Oakridge, TN 37831-1020 615-576-2606
ESAS	Ross Meriweather Consulting, Engineering 3315 Outrider San Antonio, TX 78247-4405 512-490-7081
ESP-II	Automated Procedures for Engineering Consultants, Inc. Miami Valley Tower, Suite 2100 40 W. 4th St Dayton, OH 45402 513-228-2602
HAP 2.02	Carrier Air Conditioning 655 S. Orcas, Suite 10 Seattle, WA 98108 206-767-6340
MICRO-DOE	Acrosoft International, Inc. 9745 E. Hampden Ave, Suite 230 Denver, CO 80231 303-368-9225
ULTRA 600 Version 11.9	The Trane Co. 3600 Pammel Creek Rd. Lacrosse, WI 54601 608-787-3926

**4.2 Programs only Acceptable for Commercial Buildings 25,000 Square Feet or Less**

Program Name	Source
ASEAM	Advanced Sciences Inc. 2000 N. 15th St., Suite 407 Arlington, VA 22201-2627 703-243-4900
Building Energy Analysis and Easy DOE	Elite Software PO Drawer 1194 Bryan, TX 77806 409-846-2340
ESE	Sea Gate 5001 W. 80th St., Suite 204 Bloomington, MN 55437 612-844-8000

Trakload 4.0  
Load Shaper  
Market Manager

SRC Systems  
1300 Clay St., Suite 850  
Oakland, CA 94612  
510-839-2700

XENCAP 4.5

XENERGY  
492 9th Street, Suite 220  
Oakland, CA 94607  
510-891-0446

Purpose: This rule amendment allows the department to deny food stamp benefits when an applicant fails to submit requested information within the ten-day time frame. If the client provides the information within the initial 30-day period, benefits are issued from the date of application. If the client provides information by the end of the second 30-day period, benefits are issued from the date the household furnishes the information.

Date of Intended Adoption: July 1, 1993.

April 28, 1993  
Rosemary Carr  
Acting Director  
Administrative Services

**WSR 93-10-017**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
[Filed April 28, 1993, 1:20 p.m.]

Continuance of WSR 93-07-074.  
Title of Rule: WAC 388-86-200 Limits on scope of medical program services.

Purpose: Establish services not covered under the medical care programs. This is a new section.

Date of Intended Adoption: May 5, 1993.

April 28, 1993  
Rosemary Carr  
Acting Director  
Administrative Services

**WSR 93-10-018**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
[Filed April 28, 1993, 1:21 p.m.]

Continuance of WSR 93-07-035.  
Title of Rule: WAC 388-330-010 Purpose and authority; 388-330-020 Scope; 388-330-030 Application of inquiry findings; and 388-330-050 Release of information.

Purpose: Deletes the requirement to check the central registry of child abuse which is now defunct. WAC 388-330-030 amended to specify conditions for a waiver to allow an otherwise disqualified person to provide child care.

Date of Intended Adoption: June 1, 1993.

April 28, 1993  
Rosemary Carr  
Acting Director  
Administrative Services

**WSR 93-10-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
[Filed April 28, 1993, 1:23 p.m.]

Continuance of WSR 93-07-075.  
Title of Rule: WAC 388-49-120 Application disposition.

**WSR 93-10-020**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
[Filed April 28, 1993, 1:25 p.m.]

Continuance of WSR 93-08-009.

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

Purpose: Provides 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. Chapter 388-160 WAC is a new chapter.

Date of Intended Adoption: June 1, 1993.

April 28, 1993  
Rosemary Carr  
Acting Director  
Administrative Services

**WSR 93-10-026**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed April 28, 1993, 3:10 p.m.]

The State Personnel Board is withdrawing a notice of proposed rule making (CR-102).

The original notice to be withdrawn is WSR 93-04-097 filed on February 2, 1993, and continued on WSR 93-08-046 filed on April 2, 1993.

The following WAC are being withdrawn: WAC 356-10-030 Positions—Allocation—Reallocation; and 356-05-157 Essential functions.

Marilyn Glenn  
Acting Director

**WSR 93-10-027**  
**PROPOSED RULES**  
**PERSONNEL BOARD**  
[Filed April 28, 1993, 3:11 p.m.]

Original Notice.

Title of Rule: WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals.

Purpose: This rule describes procedures and entitlements for an employee who needs to be reasonably accommodated or separated from employment due to a disability.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal adds language to allow an employee to use accrued leave while an agency is in the process of reasonably accommodating the employee. It also defines a time frame for using leave after the notification for separation has occurred.

Reasons Supporting Proposal: This will clarify what types of leave can be used during the process for reasonable accommodation as well as leave usage prior to disability separation.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule currently describes the procedures and entitlements for an employee who needs to be reasonably accommodated or separated from employment due to a disability. This proposal intends to clarify the types of leave which may be used if there are no temporary accommodations available, while trying to permanently accommodate the employee. It also clarifies that during a separation process if accrued leave has been requested, the leave has to be used consecutively as represented by the amount of leave available.

Proposal Changes the Following Existing Rules: This proposal clarifies the intent of rule as to what type of accrued leave may be used and what time frames should be considered during both the accommodation process as well as the separation process.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on June 10, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 8, 1993.

Date of Intended Adoption: June 10, 1993.

April 21, 1993  
Marilyn Glenn  
Acting Secretary

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

**WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals.** (1) An appointing authority may initiate a disability separation of a permanent employee only when reasonable accommodations cannot be provided. When the employee requests a disability separation, the

appointing authority is not required to consider reasonable accommodations.

(2) If the disability prevents performance of an essential function of the current job, and there is no appropriate work available while trying to reasonably accommodate the employee, the employee shall be allowed to use accrued vacation, sick, shared leave, exchange, and/or compensatory time. If there is no paid leave available or if the employee chooses not to use paid leave, the employee shall be placed on authorized leave without pay.

~~((2))~~ (3) When reasonable accommodations cannot be provided, the employee may be separated by the appointing authority after ~~((a minimum of sixty calendar days))~~ written notice ~~((, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work))~~ of, whichever is greater,

(a) sixty calendar days; or,

(b) the number of consecutive work days for which only accrued sick and vacation leave, as defined in WAC 356-18-050 and 356-18-090, could be used. If the employee is unable to work due to the disability during the notice period and there is no paid leave available, the absence shall be considered approved leave without pay.

The sixty calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

~~((3))~~ (4) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a written statement from a physician or a licensed mental health professional. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician or a licensed mental health professional of the agency's choice. In such cases, the agency shall provide the physician or licensed mental health professional with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician or licensed mental health professional regarding the employee's ability to perform the specified duties.

~~((4))~~ (5) Agency initiated ~~((S))~~ separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board. At the time of notification that their employment will be terminated because of disability, such employees shall be informed by the appointing authority of their right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within thirty calendar days after notice of separation is given.

~~((5))~~ (6) During the notice period required by subsection ~~((2))~~ (3) of this section the agency shall inform employees being separated due to disability that they may be eligible for benefits/assistance programs such as employees' insurance plans, Social Security, worker's compensation, veteran's benefits, public assistance, disability retirement, and vocational rehabilitation.

~~((6))~~ (7) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a statement from a physician or licensed mental health professional that they are able to perform the duties of the class(es) for which the registers are established.

**WSR 93-10-028**  
**PROPOSED RULES**  
**PERSONNEL BOARD**  
[Filed April 28, 1993, 3:12 p.m.]

Original Notice.

Title of Rule: WAC 356-05-157 Essential functions; and 356-22-005 Recruitment—Essential functions.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal defines the term "essential function" and also directs agencies to identify the essential functions of each position prior to the position being filled.

Reasons Supporting Proposal: This proposal is being submitted to allow agencies a procedure to follow in determining fundamental job duties to be in compliance with the Americans with Disability Act (ADA).

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would establish two new sections to define the term "essential functions" and direct agencies to identify essential functions for each position prior to the time the position is filled. This is being proposed to ensure that the requirements of the ADA are met for each position.

Proposal does not change existing rules.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on June 10, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 8, 1993.

Date of Intended Adoption: June 10, 1993.

April 21, 1993  
Marilyn Glenn  
Acting Secretary

NEW SECTION

**WAC 356-05-157 Essential functions.** The fundamental job duties that an employee must be able to perform, with or without reasonable accommodation.

NEW SECTION

**WAC 356-22-005 Recruitment—Essential functions.** To ensure that the Americans with Disabilities Act (ADA) requirements are met, the identification of essential functions for each position shall be made prior to the time the position is filled.

**WSR 93-10-029**  
**PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed April 28, 1993, 3:15 p.m.]

Original Notice.

Title of Rule: Repealer, the following section of the Washington Administrative Code is repealed: WAC 139-05-910 Requirement of training for fire marshals.

Purpose: See Reasons Supporting Proposal below.

Statutory Authority for Adoption: RCW 43.101.080(2).

Statute Being Implemented: RCW 48.48.060.

Reasons Supporting Proposal: This section will be replaced in its entirety by proposed WAC 139-05-912.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Lacey, 459-6342.

Name of Proponent: Criminal Justice Training Commission, governmental.

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

Proposal does not change existing rules.

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

Hearing Location: Criminal Justice Training Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.

Date of Intended Adoption: June 17, 1993.

April 27, 1993  
James C. Scott  
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

139-05-910 Requirement of training for fire marshals.

**WSR 93-10-030**  
**PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed April 28, 1993, 3:17 p.m.]

Original Notice.

Title of Rule: WAC 139-05-912 Requirement of training for fire marshals.

Purpose: Prescribe a responsive training requirement for deputy state fire marshals and resident fire marshals as per RCW 48.48.060, and provide a recommended training standard for local agencies asked to commission fire personnel.

Statutory Authority for Adoption: RCW 43.101.080(2).  
Statute Being Implemented: RCW 48.48.060.

Summary: Requires deputy state fire marshals and resident fire marshals to obtain basic law enforcement certification or successfully complete a specified training

PROPOSED

program of at least 176 hours as a precondition to the exercise of police powers granted to them under RCW 48.48.060; requires firearms training/qualification by such personnel if authorized to carry a firearm in the performance of official duties; and makes state fire marshal responsible for compliance.

Reasons Supporting Proposal: Training prescription originally set forth by WAC 139-05-910 has not been reviewed or substantially revised for twelve years. New training prescription is more responsive to the function and responsibility of fire marshal personnel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 48.48.060 authorizes deputy state fire marshals and resident fire marshals to exercise police powers in the performance of duties if a basic training program approved by the training commission is successfully completed. The original training requirement prescribed by WAC 139-05-910 has not been reviewed or substantially revised since its adoption in 1982 and will be repealed in its entirety and replaced with WAC 139-05-912. This new rule is responsive to the functions and responsibilities of fire marshal personnel, and additionally constitutes a training recommendation for local agencies asked to commission local fire personnel.

Proposal Changes the Following Existing Rules: Due to substantial nature of proposed revision, it is deemed expedient to repeal WAC 139-05-010 and replace it with this proposed regulation.

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

Hearing Location: Criminal Justice Training Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.

Date of Intended Adoption: June 17, 1993.

April 27, 1993  
James C. Scott  
Executive Director

**NEW SECTION**

**WAC 139-05-912 Requirement of training for fire marshals.** (1) The training prescribed herein shall constitute:

(a) the training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

(b) the training standard recommended by the criminal justice training commission for local agencies employing a training requirement or prerequisite for the purpose of commissioning fire personnel.

(2) the training requirement herein prescribed for the purpose of RCW 48.48.060 shall be met by:

(a) obtainment of the training commission's basic law enforcement certificate, or

(b) obtainment of the training commission's basic law enforcement equivalency certificate, or

(c) successful completion of a training program of at least one hundred and seventy-six hours, including:

- (i) criminal investigation 52 hours
- (ii) criminal law 40 hours
- (iii) criminal procedures 42 hours
- (iv) human relations 38 hours
- (v) use of force 04 hours

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program shall be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the training commission. Thereafter such personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the training commission.

**WSR 93-10-039  
PROPOSED RULES  
DEPARTMENT OF HEALTH**  
[Filed April 28, 1993, 4:02 p.m.]

Original Notice.

Title of Rule: New sections WAC 246-845-050 Registration of a nursing pool, 246-845-060 Application, 246-845-070 Registrations, 246-845-080 Insurance requirements, 246-845-090 Quality assurance standards, 246-845-100 Renewal of registration, 246-845-110 Denial, suspension or revocation of registration, and 246-845-990 Nursing pool fees; and repealing WAC 246-845-020 Registration of a nursing pool, 246-845-030 Renewal of registration, and 246-845-040 Denial, suspension or revocation of registration.

Purpose: Adopt quality assurance standards for nursing pools as well as attend to some housekeeping items.

Statutory Authority for Adoption: Chapter 18.52C RCW and RCW 18.130.050(12).

Statute Being Implemented: Chapter 18.52C RCW.

Summary: Developed quality assurance standards based upon request by state association as well as broke out categories from registration and developed them under separate titles. This necessitated repeal of some categories.

Reasons Supporting Proposal: Strengthens consumer protection.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Penny Christopherson, 1300 S.E. Quince, Olympia, WA, 753-3576.



Name of Proponent: The Home Health and Staffing Services Association of Washington, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-845-050 Registration of a nursing pool, this rule cites the law for registering of a nursing pool; WAC 246-845-060 Application, this rule explains the application process for nursing pool registration; WAC 246-845-070 Registrations, this rule describes nursing pool registrants' eligibility; WAC 246-845-080 Insurance requirements, this rule describes the professional and general liability insurance requirements for Washington state licensure; WAC 246-845-090 Quality assurance standards, this rule gives the state Department of Health the right to inspection of nursing pool for to assure compliance with state law. It details standards to be met by the nursing pool; WAC 246-845-100 Renewal of registration, this rule informs applicant of responsibility for license renewal on a timely basis; WAC 246-845-110 Denial, suspension or revocation of registration, explains the authority of the department secretary in denying, suspending, revoking or assessing penalties if the nursing pool is found to be in violation of state law, the UDA, or of this chapter; WAC 246-845-990 Nursing pool fees, sets the fees for nursing pools to allow program to be self-supporting; and repealing WAC 246-845-020 Registration of a nursing pool, this rule cites the law and process for registering of a nursing pool; WAC 246-845-030 Renewal of registration, this rule informs applicant of responsibility for license renewal on a timely basis; and WAC 246-845-040 Denial, suspension or revocation of registration, explains the authority of the department secretary in denying, suspending, revoking or assessing penalties if the nursing pool is found to be in violation of state law, the UDA, or of this chapter.

Proposal Changes the Following Existing Rules: Existing rules were repealed and reentered in a ore [more] readable format.

No small business economic impact statement required by chapter 19.85 RCW.

Hearing Location: June 8, at 6:00 p.m. - 9:00 p.m., Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA; and on June 9, at 6:00 p.m. - 9:00 p.m., Ramada Inn/Airport, Spokane International Airport, Spokane, Washington.

Submit Written Comments to: Department of Health, Ann Foster, P.O. Box 47902, Olympia 98504-7902, by June 4, 1993.

Date of Intended Adoption: June 17, 1993.

April 27, 1993  
Bruce A. Miyahara  
Secretary

#### NEW SECTION

**WAC 246-845-050 Registration of a nursing pool.** After January 1, 1989, no individual, firm, corporation, partnership or association may advertise, operate, manage, conduct, open or maintain a business providing, procuring, or referring health care personnel for temporary employment in health care facilities without first registering with the department of health.

#### NEW SECTION

**WAC 246-845-060 Application.** Applicants for nursing pool registration shall submit to the department of health:

- (a) A completed application for registration on forms furnished by the department;
- (b) A registration fee as established by the secretary;
- (c) Evidence of professional or general liability insurance in accordance with WAC 246-845-080;
- (d) A signed Quality Assurance Standards affidavit, and documentation of methods used for compliance with the standards established in WAC 246-845-090;
- (e) The Washington state corporation certification number or a copy of the "Certificate of Authority to do Business in Washington" if the nursing pool is owned by a corporation.

#### NEW SECTION

**WAC 246-845-070 Registrations.** (1) If the applicant meets the requirements of this chapter and chapter 18.130 RCW, the department shall issue a nursing pool registration. The registration shall remain effective for a period of one year from date of issuance unless revoked or suspended pursuant to chapter 18.130 RCW, or voided pursuant to subsection (2) of this section.

(2) If the registered nursing pool is sold or ownership or management is transferred, the new owner or operator shall apply for a new registration.

(3) Each separate location of the business of a nursing pool shall have a separate registration.

#### NEW SECTION

**WAC 246-845-080 Insurance requirements.** Each nursing pool shall carry professional and general liability insurance in the amount of \$1 million dollars per occurrence for each person who delivers patient care services. The policy must show coverage using one of the following methods:

- (a) The nursing pool maintains insurance coverage in the amount indicated for the nursing pool itself and its employees or agents; or
- (b) The nursing pool maintains professional and general liability insurance for its own liability in the amount indicated and only refers self-employed, independent contractors who must maintain their own professional and general liability insurance in the amount indicated. Written evidence of such insurance coverage shall be maintained by the nursing pool in the independent contractor's personnel file for a minimum of three years.

#### NEW SECTION

**WAC 246-845-090 Quality assurance standards.** Nursing pools shall comply with the quality assurance standards contained in this section. Evidence of compliance with these standards shall be retained by the nursing pool and be available for inspection by the department for a minimum of three years. These standards are as follows:

- (1) Establishment of a pre-hire/pre-contract screening procedure which includes the following:

(a) Written or verbal verification of two references relevant to the work the applicant proposes to do for the nursing pool. References must include dates of employment/contracting;

(b) Written verification of applicant's current, unrestricted professional license, certificate or registration issued by the department;

(c) Written verification of any certification by a private or public entity in clinical areas relevant to the applicant's proposed work;

(d) Written verification of current cardiopulmonary resuscitation certification;

(e) Written health screening plan that assures that each applicant is free of tuberculosis, physically able to perform the job duties required for the position, and compliance with OSHA regulations regarding the HBV virus;

(f) Compliance with RCW 43.43.830 regarding criminal history disclosure and background inquiries;

(g) Establishment of a post-hire/post contract procedure which includes the following;

(i) Written procedure for orientation of all new hires/contractors to the nursing pool's policies and procedures prior to beginning work;

(ii) Written performance evaluation plan to include written evaluations from facilities regarding performance of persons who have delivered patient care services;

(iii) Written continuing education program for personnel/contractors that a minimum provides educational programs on a variety of related topics relevant to the work performed to include: HIV/HBV information, fire and safety, universal precautions, infection control, and information concerning Washington state abuse reporting requirements;

(2) Compliance with state and federal wage and labor laws, and federal immigration laws.

**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 246-845-100 Renewal of registration.** Nursing pools requesting renewal of registration shall submit a renewal application and fee to the department. If a nursing pool fails to renew its registration prior to the expiration date, the nursing pool is subject to a penalty fee.

**NEW SECTION**

**WAC 246-845-110 Denial, suspension, or revocation of registration.** The secretary may deny, suspend, or revoke the registration and/or assess penalties if any nursing pool is found to have violated the provisions of chapter 18.130 RCW, the Uniform Disciplinary Act, or of this chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 246-845-020 Registration of a nursing pool.
- 246-845-030 Renewal of registration.

246-845-040 Denial, suspension, or revocation of registration.

**WSR 93-10-040  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
[Filed April 28, 1993, 4:05 p.m.]**

Original Notice.

Title of Rule: WAC 246-824-040 Application for examination, 246-824-071 Licensure by endorsement—Definitions, 246-824-072 Temporary permits, and 246-824-073 Retired active license.

Purpose: The addition of the endorsement and inactive license sections were legislatively mandated in 1991. The apprentice registration fee category allows the program to be self supporting.

Statutory Authority for Adoption: RCW 43.17.060 and 18.130.070.

Statute Being Implemented: Chapter 18.34 RCW.

Summary: Amended application for examination and developed three new sections dealing with licensure by endorsement; temporary permits; and retired active license.

Reasons Supporting Proposal: The endorsement and inactive license rules were legislatively mandated in 1991.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Penny Christopherson, 1300 S.E. Quince, 753-3576.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-824-040 Application for examination, this rule explains the process for filing an application for an examination. It further states that all supporting documentation must be received 60 days prior to the scheduled examination. An additional statement is proposed to indicate that apprenticeship training must be concluded prior to the application deadline. While this was understood, it was never adequately conveyed and some confusion has resulted; WAC 246-824-071 Licensure by endorsement—Definitions, this proposed section defines the terminology involved in the endorsement licensure process, cites the law mandating the endorsement licensure process, and explains the process for endorsement application; WAC 246-824-072 Temporary permits, this new section explains both the eligibility requirements for temporary permits and the application process; and WAC 246-824-073 Retired active license, this proposed rule lists eligibility requirements for dispensing opticians for a retired active license and establishes criteria for application and renewal of such a license.

Proposal does not change existing rules.

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

Hearing Location: June 8, at 6:00 p.m. - 9:00 p.m., Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA; and on June 9, at 6:00 p.m. - 9:00 p.m., Ramada Inn/Airport, Spokane International Airport, Spokane, Washington.

Submit Written Comments to: Ann Foster, Department of Health, P.O. Box 47902, Olympia 98504-7902, by June 4, 1993.

Date of Intended Adoption: June 17, 1992 [1993].

April 27, 1993

Bruce A. Miyahara  
Secretary

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-824-040 Application for examination.** (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his or her scheduled examination, and so notifies the secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

#### NEW SECTION

**WAC 246-824-071 Licensure by endorsement—Definitions.** (1) For the purpose of licensure by endorsement the following definitions shall apply:

(a) "Credential in another state" means the applicant holds a current valid license to practice as a dispensing optician in another state.

(b) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by either a national professional association or a state other than Washington state. The examination shall cover the same subject matter as the Washington state examination. The licensing law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.34.060.

(2) The department shall issue a license by endorsement unless there is a basis for denial of the license or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160. A person applying for a license by endorsement shall submit to the department:

(a) A completed application on a form provided by the department;

(b) An application fee, and if the application is approved, an original license fee;

(c) Evidence satisfactory to the department that the education and examination requirements of the other state are substantially equivalent to that of Washington;

(d) A completed open-book state law examination provided by the department;

(e) Proof of compliance with the AIDS prevention and information education requirements as listed in WAC 246-824-170.

(3) Written documentation shall be submitted directly from all states in which the applicant is or has been licensed, verifying the applicant is in good standing and not subject to charges or disciplinary action for unprofessional conduct or impairment.

(4) If licensure by endorsement is denied, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

(5) Endorsement application fees are nonrefundable, but may be applied towards the examination fee if licensure by endorsement is denied.

(6) A license issued by endorsement is subject to annual renewal, penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990, and continuing education as provided for in WAC 246-824-075.

#### NEW SECTION

**WAC 246-824-072 Temporary permits.** Eligibility requirements for temporary permits are the same for licensure by endorsement (WAC 246-824-071), therefore, no temporary permits will be issued. Individuals inquiring about temporary permits will be given information and an application for licensure by endorsement.

#### NEW SECTION

**WAC 246-824-073 Retired active license.** (1) A person holding a current Washington state dispensing optician license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:

(a) Practices no more than ninety days each year in Washington state;

(b) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purpose of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.

(2) An individual requesting a retired active license status shall submit a letter to the department declaring the intent to practice only on an intermittent or emergency basis, along with the active retired renewal fee specified in WAC 246-824-990. Active retired licenses will not be retroactively issued for prior years.

(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal the dates and circumstances under which the licensee practiced during the previous year.

(4) An active retired license is subject to continuing education as established in WAC 246-824-075.

(5) To reinstate the license to an active license status the licensee shall notify the department in writing five days in advance of the change and pay a reinstatement fee as specified in WAC 246-824-990.

(6) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.

**WSR 93-10-041**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed April 29, 1993, 8:23 a.m.]

In accordance with RCW 34.05.335, the Department of Labor and Industries is withdrawing the following proposed Washington Administrative Codes (WAC):

- WAC 296-306-06101 through 296-306-06805
- WAC 296-306-081 through 296-306-08307
- WAC 296-306-08401 through 296-306-08409
- WAC 296-306-14501 through 296-306-148
- WAC 296-306-33001

If you have any questions, please contact Ray Wax, standards manager, at (206) 956-5527.

Mark O. Brown  
Director

**WSR 93-10-042**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed April 29, 1993, 8:45 a.m.]

Original Notice.

Title of Rule: WAC 230-04-040 Certification procedure—Charitable and nonprofit organizations—Additional information required; 230-08-095 Minimum standards for Class D and above bingo games—Monthly and annual accounting records; 230-20-010 Disclosure of prizes and rules; 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required; 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions; 230-20-246 Manner of conducting bingo; and 230-40-125 Washington blackjack—Rules of play—Wagering limits.

Purpose: WAC 230-04-040, amendment moves the plan of operations requirement for charitable/nonprofit organizations from WAC 230-20-064 to 230-04-040 and clarifies information needed to assess the profitability of their proposed bingo operation and potential for compliance with WAC 230-20-064; WAC 230-08-095, establishes guidelines for bingo operators to follow in capitalizing operating assets, start-up costs, and leasehold improvements; WAC 230-20-010, amendment clarifies the requirements for disclosure of prizes, rules of play, and any contingencies to bingo players; WAC 230-20-064, amendment sets forth conditions in which bingo licensees may petition staff for relief from payout and net income requirements and corrective action and/or

penalties when requirements are not met. The annual minimum net income requirements for all classes are reduced by 1%; WAC 230-20-242, consolidates and clarifies requirements for conducting activities in conjunction with bingo games such as drawings, creativity contests, good neighbor games, and bonus prize schemes; WAC 230-20-246, clarifies requirements for the sales of bingo cards and for the selection of symbols and numbers during bingo games and also adds the requirements for conducting bonus bingo game prize schemes; and WAC 230-40-125, Decrease the players collection of a "natural 21" from twice the amount of their bet to 1.5 times the amount of their bet, allows a player to deal more than one consecutive shoe before passing the deal if there are less than five payers [players] at a table and conditions for doubling down shall be set by a house rule provided that the wager may be doubled and the player received only one more card.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: WAC 230-04-040, amendment moves the plan of operations requirement for charitable/nonprofit organizations from WAC 230-20-064 to 230-04-040 and clarifies information needed to assess proposed bingo operation profitability and compliance with WAC 230-20-064; WAC 230-08-095, establishes guidelines for bingo operators to follow in capitalizing operating assets, start-up costs, and leasehold improvements; WAC 230-20-010, amendment clarifies the requirements for disclosure of prizes, rules of play, and any contingencies to bingo players; WAC 230-20-064, amendment allows bingo licensees to petition staff for relief from prize payout and net income requirements and corrective action and/or penalties. Annual minimum net income requirements are reduced by 1% for all classes; WAC 230-20-242, consolidates and clarifies requirements for conducting activities in conjunction with bingo games; WAC 230-20-246, clarifies requirements for the sale of bingo cards, selection of symbols and numbers during bingo games and adds bonus bingo game prize scheme requirements; and WAC 230-40-125, amendment decreases the players collection of a "natural 21" from twice the amount of their bet to 1.5 times the amount of their bet, allows a player to deal more than one consecutive shoe before passing the deal, and conditions for doubling down shall be set by a house rule.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690; and Enforcement: Frank L. Miller, Director, Lacey, 438-7640.

Name of Proponent: WAC 230-04-040, 230-08-095, 230-20-010, 230-20-064, 230-20-242 and 230-20-246, charitable/nonprofit study group in conjunction with staff; and WAC 230-40-125, Recreational Gaming Association and card room study group with staff, private and governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources, no affect on industry, and no substantive change in existing regulatory scheme.

Hearing Location: Seattle Sheraton Hotel, 1400 6th Avenue, Seattle, WA 98101, on June 11, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by June 9, 1993.

Date of Intended Adoption: June 11, 1993.

April 29, 1993  
Frank L. Miller

**AMENDATORY SECTION** (Amending Order 190, filed 4/18/89, effective 7/1/89)

**WAC 230-04-040 Certification procedure—Charitable and nonprofit organizations—Additional information required.** (1) Any organization requesting a license to conduct bingo in Group I or any organization requesting a license to conduct nonbingo activities with annual gross gambling receipts of less than \$500,000 shall submit the information required in the annual certification report pursuant to WAC 230-08-122(1) as a condition of certification.

(2) Any organization requesting a license or license upgrade to conduct bingo in Group II or III, or to conduct any other gambling activity in excess of \$500,000 gross gambling receipts, shall submit the information required in the annual certification report pursuant to WAC 230-08-122 (1), (2), and, if applicable, (3) as a condition of certification.

(3) Any organization not currently licensed to conduct bingo in any class and applying for a class D or above license or applying for a bingo license for any class and planning to pay premises rent exceeding one thousand dollars per month, including all terms, shall submit a pro forma plan of operations, including a market study. The plan shall be detailed enough to allow commission staff the ability to assess the profitability of the planned game and potential for compliance with WAC 230-20-064. The plan shall include at least the following information:

- (a) Research procedures and planning assumptions used;
- (b) Planned attendance;
- (c) Anticipated market area;
- (d) Bingo card prices and estimated sales per player;
- (e) Bingo prize payouts and game schedules;
- (f) Estimated expenses and net income;
- (g) Other income generating activities planned in conjunction with the game or premises, including the estimated net income from these activities; and
- (h) Other information requested by commission staff.

**AMENDATORY SECTION** (Amending Order 223, filed 6/17/91, effective 7/18/91)

**WAC 230-08-095 Minimum standards for Class D and ~~(larger)~~ above bingo games—Monthly and annual accounting records.** Each operator of bingo games licensed in Class D or above shall maintain accounting records

necessary to document all receipts and disbursements of the licensee, including but not limited to those related to bingo.

(1) This accounting system shall be double entry and conform to general accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports(~~(-A#)~~);

(2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred (~~(accrual accounting method)~~): *Provided*, That the cash, modified cash, or tax basis accounting methods (~~(shall)~~) may be allowed if ~~(they)~~ such method accurately represents the licensee's financial position and results of operations and ~~(have been approved by the commission. The accrual method is mandatory when a licensee has)~~ the licensee does not have substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.

~~((+))~~ (3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. Class F and above bingo licensees are authorized to use the following guidelines for determining a minimum level for capitalizing assets:

(a) Assets exceeding two thousand dollars and having a useful life that exceeds one year should be capitalized and depreciated or amortized over the useful life of the asset;

(b) Preoperating start-up costs related to bingo games that exceed six thousand dollars should be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted;

(c) Leasehold improvements related to bingo games and exceeding two thousand dollars should be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the bingo game in the year that the lease expires.

(4) The minimum accounting records required shall include:

- (a) A cash disbursements journal and/or check register;
- (b) A cash receipts and/or sales journal;
- (c) A listing of all assets and liabilities;
- (d) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or~~(-)~~ if licensed to receive more than \$300,000 in gross gambling receipts; and
- (e) Bank statements, related deposit slips, and cancelled checks.

~~((2))~~ (5) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

- (i) The name of the person or entity selling the goods or providing the service;
- (ii) A complete description of goods or services purchased;
- (iii) The amount of each product sold or service provided;
- (iv) The price of each unit;

- (v) The total dollar amount billed; and
- (vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, should be supported by other written documentation indicating at least the following details:

- (i) The name of the person receiving the payment;
- (ii) The amount;
- (iii) The date; and
- (iv) The purpose.

(c) Normally, cancelled checks and/or bank statements without further support, such as listed in ~~((2))~~(5)(a) and (b) above, are not considered sufficient documentation.

~~((3))~~ (6) All expenditures by the licensee relating to nongambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

AMENDATORY SECTION (Amending Order 182, filed 8/16/88)

**WAC 230-20-010 Disclosure of prizes and rules.** All ~~((prizes awarded in connection with bingo and amusement games, whether in cash or merchandise, and all))~~ licensees shall inform all persons contemplating participation in bingo or amusement games of the cost to play, rules of play, and prizes available. Notification must be prior to requiring the player to make any payment for the opportunity to take part in the activity.

(1) Information that must be disclosed:

- (a) All costs to participate;
- (b) A complete list and description of all prizes available, and including any extra cost or conditions of ownership related to prizes;
- (c) The licensee's cost or the retail value for all noncash prizes that exceed five hundred dollars. If the retail value is disclosed, it must be identified as such by including an explanation such as "retail value" or "MSRP."
- (d) All rules by which such prizes may be won ~~((including all costs to a participant, shall be disclosed to each participant in the licensed activity prior to that participant taking part in the activity or paying for the opportunity to take part in the activity.))~~;
- (e) Any contingencies that may change the cost to play or prizes available; and
- (f) Whether duplicate cards are in play.

(2) Disclosure shall be made by conspicuously posting or displaying signs upon the premises where the activity is operated ~~((, the available prizes, or a list and complete description thereof, together with the rules of the activity, an explanation of how each prize can be won, and the cost to participate in the activity.))~~. Disclosure may be made by signs or by printed flyers or handouts available at the premises;

(3) Any broadcast or published advertisements or ~~((published))~~ other printed information ~~((pertaining))~~ distributed to the public which pertains to ~~((bingo prizes.))~~ game schedules, prizes to be awarded at bingo games, or cost related to play must disclose if there are any contingencies which may result in changes to these ~~((prizes. In))~~ terms:

Provided, That advertised bingo prizes and game formats may be changed in case of inclement weather, natural disaster, or other unforeseen ((emergency, bingo prizes and game format may be changed; provided, a sign with the changes must be conspicuously posted so that all participants are aware of any changes prior to paying for the opportunity to play.)) emergencies, if players are so informed prior to purchasing cards;

(4) In those cases where persons are able to pay for the opportunity to participate in the activity after the winner of any one of the prizes offered has been determined, the licensee shall remove each prize won from any display of prizes, and from any list of prizes which have been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize: Provided, That during a bingo session, players may be informed by use of the public address system and prominent display of the game name or number.

AMENDATORY SECTION (Amending WSR 90-10-007, filed 4/19/90, effective 7/1/90)

**WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required.** Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201 ~~((and))~~ Table 1. ~~((below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "D" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; net income predictions; and any other information requested by the commission.)), or as restricted by the commission under subsection (6) of this section.~~

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: Provided, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs. ((Provided Further, That net income limits, as set out in Table 1. below, for bingo games located in jurisdictions which do not authorize punchboards and pull tabs shall be reduced by the following adjustments:

- (a) Class D, E, or F: less 1.0%
- (b) Class G, H, I, or J: less 2.0%
- (c) Class K and above: less 2.5%

(4) Reporting requirements. Any licensee who:

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

(b) Exceeds the annual minimum net income requirements by more than two percentage points (2.0%) during any quarter must provide the Commission additional reports determined by the staff as necessary to monitor progress toward compliance.)) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

(i) Premises destroyed or condemned;

(ii) Lease expiration without an option to renew;

(iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;

(iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or

(v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable

time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:

(a) Relief for subsection (4)(a) of this section - New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;

(e) Relief for subsection (4)(d) of this section - Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire



annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

(iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authorizes at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year. *Provided*, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by

approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:

(i) First violation - Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - Three day suspension that includes at least one operating day;

(iii) Third violation - Ten day suspension that includes at least four operating days;

(iv) Fourth violation - Thirty-day suspension;

(v) Fifth violation - Revocation of manager's license for at least one year.



Table 1.

Group	License Class	Annual Gross Receipts	Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
I	A	Up to \$ 10,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 10,001- 50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001- 300,000	Max of 85.0%	Max of 86.5%	At least ((2.0%)) 1.0%	At least ((3.0%)) 2.0%
	E	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least ((3.0%)) 2.0%	At least ((4.0%)) 3.0%
II	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least ((4.5%)) 3.5%	At least ((5.5%)) 4.5%
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least ((6.0%)) 5.0%	At least ((8.0%)) 7.0%
	H	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least ((8.0%)) 7.0%	At least ((10.0%)) 9.0%
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	At least ((10.0%)) 9.0%	At least ((12.0%)) 11.0%
	J	2,500,001- 3,000,000	Max of 74.0%	Max of 75.0%	At least ((12.0%)) 11.0%	At least ((14.0%)) 13.0%
III	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least ((13.5%)) 12.5%	At least ((16.0%)) 15.0%
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 71.0%	At least ((14.5%)) 13.5%	At least ((17.0%)) 16.0%
	M	Over 4,000,000	Max of 70.0%	Max of 71.0%	At least ((15.5%)) 14.5%	At least ((18.0%)) 17.0%

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

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

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

**NEW SECTION**

**WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions.** Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-064. The following activities are authorized:

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not extend past the end of any month;

(d) Licensees may restrict the awarding of tickets to players that are: Winners of bingo games; "good neighbors"; or other players that meet predetermined specific requirements; and

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

(2) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.

(3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

(4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

(5) Licensees may award promotional gifts to bingo players on up to six occasions annually if:

(a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and

(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.

**AMENDATORY SECTION** (Amending Order 228, filed 10/15/91, effective 11/15/91)

**WAC 230-20-246 Manner of conducting bingo.** The conducting of a bingo game shall include, but is not limited to, the following rules:

(1) All sales of bingo cards shall take place upon the licensed premises during or immediately preceding the session for which the card is being sold;

(2) Bingo cards shall ~~((normally))~~ be sold and paid for prior to ~~((the start of))~~ selection of the first symbol or number for a specified game or specified number of games((-)): Provided, That cards may be sold after the start

of a game, or number of games, if the late sale does not allow any player an advantage over any other player. Hard cards purchased or exchanged after the first symbol or number is selected may only be used during subsequent games. Any sales method that allows a player to select a specific disposable or throwaway card shall be deemed to allow the player an advantage;

(3) No operator shall reserve, or allow to be reserved, any bingo card for use by players except braille cards or other cards for use by ~~((legally blind))~~ visually impaired or disabled players;

(4) ~~((Legally blind))~~ Visually impaired players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A ~~((legally blind))~~ visually impaired or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

(5) ~~((If a licensee has duplicate cards in play, he shall conspicuously post that fact or notify all players;~~

~~((6) No two or more sets of disposable cards can be used at the same time if they have identical series numbers;~~

~~((7))~~ All cards sold to participate for a specific prize or set of prizes shall be sold for the same price and be distinct and readily distinguished from all other cards in play: *Provided*, That similar cards used to participate for the same prize or set of prizes may be sold at a discount which is based solely on volume if each separate discount price is recorded using a separate sales identification code and records provide for an audit trail;

~~((8))~~ (6) All symbols and/or numbers shall be selected on the premises and in the presence of players paying to participate in the game. Immediately following the drawing of each ball in a bingo game, the caller shall display the symbol and/or number on the ball to the participants;

~~((9))~~ (7) The symbol and/or number on the ball shall be called out prior to the drawing of any other ball;

~~((10))~~ (8) After the symbol and/or number is called, the corresponding symbol and/or number on the licensee's flashboard, if any, shall be lit for participant viewing;

~~((11))~~ (9) A game ends when a specific pattern has been achieved by a player or a specific number of symbols and/or numbers has been called. Each game shall be played using a separate selection process: Provided, That the same or a continuing selection process may be used to play the following games:

(a) Interim or "on-the-way" games; and

(b) Games for which cards are sold for different prices and players win a different prize depending on the price they pay to play.

~~((12))~~ (10) No bingo game shall be conducted to include a prize determined other than by the matching of symbols and/or numbers on a bingo card with symbols and/or numbers called by the licensee, in competition among all players in a bingo game((-) Provided, That the following activities are considered bingo games when conducted during a bingo occasion and prizes are determined through equal competition among all players paying to participate in that session:

(a) ~~Drawing. Each licensee shall be allowed to award prizes during each bingo session that is determined by a drawing if:~~

~~(i) Tickets or other facsimiles used to enter such drawings shall only be awarded to players purchasing cards to play in bingo games;~~

~~(ii) A record shall be completed setting out the criterion for granting tickets, the number of tickets awarded during each session, the winning ticket, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records;~~

~~(iii) Prizes awarded for drawings are limited to maximum of \$1,000 during any calendar month;~~

~~(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation;~~

~~(b) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:~~

~~(i) The total value of prizes shall not exceed \$500 during any occasion;~~

~~(ii) Only players who have paid to participate in bingo games during the current session may participate in the contest;~~

~~(iii) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records;~~

~~(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation)) except as authorized by WAC 230-20-242;~~

~~((13)) (11) The minimum amount of a prize or prizes available for each bingo game shall be established and disclosed to bingo game players prior to their purchase of a chance to participate in a bingo game. The ((amount of a)) minimum prize may ((also)) be ((determined)) increased by the primary game manager prior to the start of a game or through the following schemes an element of chance during the game(,);~~

~~((if: (a) Schemes using standard bingo equipment and cards~~

~~(a) A minimum prize is established and disclosed;~~

~~(b) All rules of the game are explained in detail to the players; and~~

~~(c) All requirements of WAC 230-20-010 are met before cards are purchased.~~

~~The director may grant approval of the use of other schemes to determine the dollar amount of a bingo prize after cards are purchased if such schemes:~~

~~(i) Contain control factors necessary for commission audit;~~

~~(ii) Are determined to be primarily of an entertainment nature;~~

~~(iii) Do not grant an unfair competitive advantage to any licensee; and~~

~~(iv) Do not act to defraud the public.~~

~~(14)) such as:~~

~~(i) Number of symbols or numbers called prior to a winner;~~

~~(ii) The specific number or symbol called;~~

~~(iii) The specific letter called;~~

~~(iv) Position of winning combinations on the card;~~

~~(v) Position of the card on the sheet of cards; and~~

~~(vi) Odd or even numbers or symbol.~~

~~(b) Schemes preprinted on disposable cards that rely on a number or symbol called during a game; or~~

~~(c) Second element of chance schemes authorized by WAC 230-20-242(4).~~

~~(12) Immediately upon a bingo player declaring a winning combination of letters and numbers, the winning card shall be verified by a game employee and at least one neutral player;~~

~~((15)) (13) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;~~

~~((16)) (14) After a winning bingo is validated, the prize shall be awarded using the following procedures:~~

~~(a) Each winner shall be required to provide proof that they have purchased the winning bingo card. The licensee shall review the prize winner's income receipt and determine that the player has properly purchased all cards played during the games, including the winning card;~~

~~(b) Each prize winner shall be positively identified. The licensee shall require such proof of identification as is necessary to establish the prize winner's identity prior to paying any prize. The winner is responsible for furnishing proof to the licensee that all information required by this rule is true and accurate. Prizes may be withheld until the winner has provided adequate identification;~~

~~(c) The prize shall be awarded and a record made by completing a prize receipt as required by WAC 230-08-080 and 230-20-102. A complete address and tax payer identification number should be recorded for each prize valued at \$1,200 or more;~~

~~(d) All prizes for a particular game must be available prior to starting the game and shall be awarded by the end of the related session;~~

~~(e) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: *Provided*, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered.~~

~~((17) Licensees may award promotional gifts to bingo players on up to six occasions annually if:~~

~~(a) Only merchandise with a cost to the licensee of no more than two dollars per gift, are awarded;~~

~~(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records; and~~

~~(c) All gifts purchased are considered bingo game prizes for purposes of prize payout and net income regulation;~~

~~((18)) (15) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.~~

**AMENDATORY SECTION** (Amending Order 228, filed 10/15/91, effective 11/15/91)

**WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits.** Washington blackjack is a nonhouse banking, card game and shall be permitted in Class A and E card rooms only and shall be played only in the following manner:

(1) One or two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only: Ace, 1 or 11; face cards (K, Q, J), 10 each; others according to their spots, 10 to 2. One or two decks may be used when there are six or less players. Two decks shall be used when there are seven or more players. The cards shall be dealt from a shoe at all times. The game is played with a dealer/banker and only a player may be a dealer/banker.

(2) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer shall announce the amount of money that he or she will put into the bank. A minimum bank may be established as per individual house rule.

(3) Once the bank has been established, the player to the immediate left of the dealer places his/her wager on the bet line and the dealer covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer. The maximum wager shall not be more than ten dollars and the minimum wager may be set by house rule. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand. No player may be dealt more than one hand.

(4) The play begins with the dealer dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects (~~twice~~) 1.5 times the amount of their bet from the dealer, unless the dealer also has a natural which results in a tie (push). All ties result in the players and the dealer recovering their wagers.

(5) If the dealer has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer does not have a "natural," he/she pays off any player with a "natural" starting with the one closest to their left. Should the dealer not have enough money in the bank to make up the (~~two~~) 1.5 for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer cannot cover the (~~two~~) 1.5 for one, the player shall get the amount of wager that was covered by the dealer.

(6) If the dealer does not have a "natural," play continues with the player on the dealer's immediate left. The dealer deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If more cards are wanted, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer collects the bet.

(7) The dealer does the same with each remaining player. Any player who stands must wait while the dealer

draws his or her cards. If the dealer goes bust, each standing player is paid the amount of their wager. If the dealer "stands," the down card is turned up and players whose totals are higher than the dealer's are paid. The dealer collects from any player whose total is less. Action is always to the left of the dealer. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer from losing wagers the dealer collects. Should the dealer not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer shall announce their bank and shuffle the cards. The same shall apply if the dealer has no money in the bank. The dealer may, if allowed by house rule, add to their bank in between hands.

(8) Upon completion of the shuffle, the player to the right of the dealer shall cut the cards. After the cards have been placed into the shoe the dealer shall insert a blank card approximately three quarters of the way through the deck(s). A dealer may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer may continue dealing that hand, but will not start a new hand. The deal must then pass to the player on the dealer's immediate left. The discards may only be reshuffled to complete the last hand.

(9) Once wagers are placed and covered on the bet line, no player, including the dealer, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(10) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(11) No player may "buy" the bank. The deal must pass around the table to the left and no player can authorize another player to deal for him or her. A new player entering the game may not participate as the dealer/banker until at least two other players have dealt. (~~If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer. A dealer may after completing one full hand, pass the deal and be able to participate in the next hand.~~) No player may deal more than one consecutive shoe before passing the deal. Provided, That when there are less than five players at a table a player may deal more than one consecutive shoe only when the remaining players have passed the deal.

(12) The dealer must stand on 17 or above and must take hits on 16 or below. If a dealer has an ace, it shall be counted as 11 (eleven) if it brings his or her total to 17 or more (but not over 21).

(13) (~~If a player's first two cards total exactly 9, 10 or 11, they may double their wager and receive~~) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(14) If the dealer's face-up card is a ten, face card or ace, he/she may look at their face-down card to see if they

have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw. Should the dealer violate this rule their hand may be ruled to have been fouled, which shall result in forfeiture of all remaining dealer wagers.

(15) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. When this player's turn to draw comes, they receive an up-card for each hand and then play each hand in order. If the dealer does not have enough in their bank to cover the doubled bet, the dealer must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer has no bank then the player may divide their wager in any manner between the two hands. If a player's original bet was a minimum allowed in that game then they may not split their pair. A player may only split a pair once.

(16) The dealer will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

(17) There shall be no credit or I.O.U. issued by any player or management.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington 98501, on June 29, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by June 9, 1993.

Date of Intended Adoption: June 29, 1993.

April 28, 1993

Graham E. Johnson  
Executive Director

AMENDATORY SECTION (Amending WSR 92-18-002, filed 8/20/92)

**WAC 390-16-011 Forms—Registration statement for political committees.** The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc", revised ((7/92)) 4/93. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

#### WSR 93-10-049

#### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed April 30, 1993, 8:12 a.m.]

##### Original Notice.

Title of Rule: WAC 390-16-011 Forms—Registration statement for political committees; and 390-16-012 Forms—Registration statement for candidates.

Purpose: Amend rules.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Forms needed to be amended to bring them into conformance with Initiative 134.

Reasons Supporting Proposal: Change to law.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, AG, Olympia, 586-1913; Implementation and Enforcement: Graham Johnson, Public Disclosure Commission, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-16-011, adopts a reporting form for political committees to use to register with the Public Disclosure Commission; and WAC 390-16-012, adopts a reporting form for candidates to use to register with Public Disclosure Commission.

Proposal Changes the Following Existing Rules: The rules bring the forms into conformance with the changes in Initiative 134. Reference to surplus funds has been removed and for the C1pc (committees) changed the description of committees; for the C-1 (candidates) added a signature block for candidate and date of signature.



REGISTRATION: POLITICAL COMMITTEES

OLD

C1	PDC	RECEIVED	PDC OFFICE USE
	(7/92)		

Committee Name (show entire official name.) \_\_\_\_\_ Acronym \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip + 4 \_\_\_\_\_

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?

NEW: Complete all items in the registration

AMENDED: Supply the information below which has changed

COMMITTEE STATUS

Continuing committee

19 \_\_\_\_\_ election only; election date \_\_\_\_\_

1. What is the purpose or description of the committee?

Political Party, Central Committee, District Club, etc.  
Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support.

Ballot Committee (Initiative, Bond, Levy, Recall, etc.)  
Name or description of ballot measure: \_\_\_\_\_ Ballot Number \_\_\_\_\_ FOR  AGAINST

Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: \_\_\_\_\_

Other. Explain on attached sheet.

2. Related or affiliated committees. List name, address and relationship. \_\_\_\_\_

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

ABBREVIATED REPORTING  
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 in the aggregate from any one contributor.

FULL REPORTING  
We will use the Full Reporting System. We understand this means we must file the frequent, detailed reports required by law.

4. Treasurer's Name and Address (List deputy treasurers on attached sheet.) \_\_\_\_\_ Daytime Telephone Number ( ) \_\_\_\_\_

5. Committee's Principal Officers. List name, address and title. \_\_\_\_\_


6. Campaign Bank or Depository.

Branch \_\_\_\_\_ City \_\_\_\_\_

7. Campaign records are to be open for public inspection the last eight days before the election. (Two hours daily between 8 AM and 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number) \_\_\_\_\_ Hours \_\_\_\_\_

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.



**FAIR  
CAMPAIGN**

9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee treasurer's signature \_\_\_\_\_ Date \_\_\_\_\_

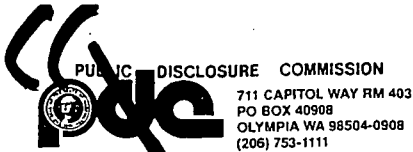
Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes:

I already have forms and instructions.

I will get forms and instructions from my county elections office.

I want the Public Disclosure Commission to mail me the proper forms and instructions.

21



PDC FORM <b>C1</b> (7/92)	P C <b>POLITICAL COMMITTEE REGISTRATION STATEMENT</b>
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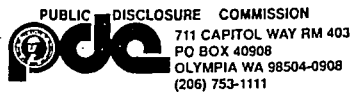
## INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.) File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**
- Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.
- Full Reporting: Required of all committees that do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**
- C-3 (Cash Receipts Report): Used with Full Reporting only.
- C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
- C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.
- Special Report E (Earmarked Contributions Report): Filed by committees that receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

For assistance, call or write PDC!



REGISTRATION: POLITICAL COMMITTEES

<b>C1 P C</b> (4/93)	P M O R S T R K	PDC OFFICE USE
	R E C E I V E D	

Committee Name (Show entire official name.)		Acronym
Mailing Address		
City	County	Zip + 4

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? <input type="checkbox"/> NEW: Complete all items in the registration <input type="checkbox"/> AMENDED: Supply the information below which has changed	COMMITTEE STATUS <input type="checkbox"/> Continuing committee <input type="checkbox"/> 19_____election only; election date _____
---	---

1. What is the purpose or description of the committee?

Bona Fide Political Party Committee (official state or county central committee or legislative district committee). If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support. \_\_\_\_\_

Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure: \_\_\_\_\_ Ballot Number \_\_\_\_\_ FOR  AGAINST

Political Action Committee, Political Club or Organization (including party clubs). If PAC is associated with a business, association, labor union, or similar entity, specify name: \_\_\_\_\_

Other. Explain on attached sheet.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

ABBREVIATED REPORTING  
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 in the aggregate from any one contributor.

FULL REPORTING  
We will use the Full Reporting System. We understand this means we must file the frequent, detailed reports required by law.

4. Treasurer's Name and Address (List deputy treasurers on attached sheet.)	Daytime Telephone Number ( )
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5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch	City
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7. Campaign records are to be open for public inspection the last eight days before the election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number) \_\_\_\_\_ Hours \_\_\_\_\_

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.		9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.
		Committee treasurer's signature _____ Date _____

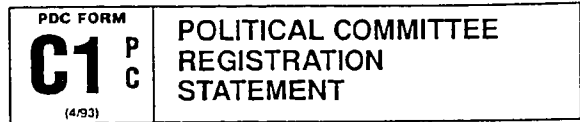
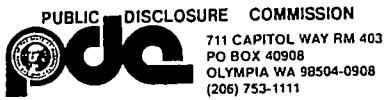
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Please check one of the following boxes:

I already have forms and instructions.

I will get forms and instructions from my county elections office.

I want the Public Disclosure Commission to mail me the proper forms and instructions.





**INSTRUCTIONS**

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- OTHER REPORTS**
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.
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- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.

For assistance, call or write PDC!

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 92-18-002, filed 8/20/92)

WAC 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised ((7/92)) 4/93. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

**PUBLIC DISCLOSURE COMMISSION**  
 711 CAPITOL WAY RM 403  
 PO BOX 40908  
 OLYMPIA WA 98504-0908  
 (206) 753-1111

**REGISTRATION:  
 CANDIDATES/CANDIDATE COMMITTEE**

**C1**  
 (7/92)

POC OFFICE USE  
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Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Mailing Address

City County Zip + 4

1. What office are you running for? Office District, County or City Position No.

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

Option I MINI REPORTING  
 I will limit contributions or expenditures during this campaign to my filing fee of \$ \_\_\_\_\_ plus no more than \$500, including charges for the voters pamphlet. I will accept no more than \$200 in the aggregate from any contributor except myself.

Option II ABBREVIATED REPORTING  
 I will use the Abbreviated Reporting System. I will raise and spend no more than \$2,000 and will accept no more than \$200 in the aggregate from any contributor except myself.

Option III FULL REPORTING  
 I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's Name and Address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime Telephone Number ( )

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository, Branch City

8. Related or Affiliated Political Committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:  
 Street Address (Do not use a Post Office Box Number) Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.

**FAIR CAMPAIGN**  
 pdc

11. CERTIFICATION:  
 I certify that this report is true, complete and correct to the best of my knowledge.

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

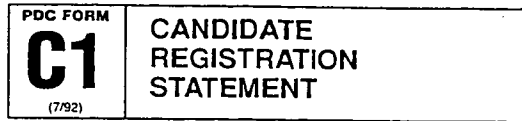
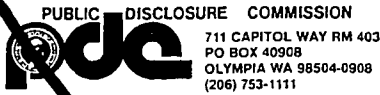
I already have financial affairs and campaign disclosure forms and instructions.

I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.

I will obtain all forms and instructions from my county elections office.

I want PDC to mail me:  the F-1 instruction booklet (which includes forms)  the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT:  
 ORIGINAL — Public Disclosure Commission  
 COPY — County Elections Department (Auditor)  
 COPY — Your own records



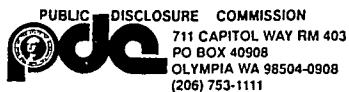
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- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original** to PDC at the above address. Send a **copy** to **County Auditor** (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
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For assistance, call or write PDC!

PROPOSED



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

N/C W

Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Mailing Address

City

County

Zip + 4

C1 (4/93)

P M O A R K R E C E I V E D

PDC OFFICE USE

1. What office are you running for? Office District, County or City Position No.

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

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Option II ABBREVIATED REPORTING
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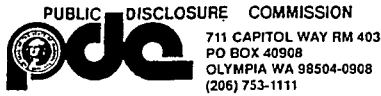
11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's signature Date

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PDC FORM <b>C1</b>	<b>CANDIDATE REGISTRATION STATEMENT</b>
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PROPOSED

### INSTRUCTIONS

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For assistance, call or write PDC!



**WSR 93-10-050**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed April 30, 1993, 8:14 a.m.]

Continuance of WSR 93-09-001.

Title of Rule: WAC 390-37-140 Brief enforcement hearings—Authority; and 390-37-142 Brief enforcement hearing—Procedure.

Hearing Location: Second Floor Conference Room, 711 Capitol Way, Evergreen Plaza Building, Olympia, WA 98501, on June 29, 1993, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by June 9, 1993.

Date of Intended Adoption: June 29, 1993.

April 29, 1993  
 Graham E. Johnson  
 Executive Director

**WSR 93-10-068**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**

[Filed May 3, 1993, 3:13 p.m.]

Continuance of WSR 93-07-055.

Title of Rule: Manual on uniform traffic control devices for streets and highways, WAC 468-95-035 - 468-95-037.

Purpose: This continuance is to clarify the requirements that local jurisdictions are subject to, to broaden the guidelines for the placing of the edge line and to add specific standards for placement of raised pavement markings.

Date of Intended Adoption: July 6, 1993.

April 29, 1993  
 S. A. Moon  
 Deputy Secretary

**NEW SECTION**

**WAC 468-95-035 Pavement edge lines.** Pursuant to RCW 47.36.280, the second paragraph of MUTCD Section 3B-6 is amended to read as follows:

Edge lines shall be used on all interstate highways, on rural multilane divided highways, on arterials having three foot or wider paved shoulders within urbanized areas, and may be used on other classes of roads. Edge lines are not required on curbed roadways. In recognition that additional shoulder width will enhance bicycle safety, edge lines to delineate the shoulder may be used on any roadway. The lines shall be white except that on the left edge of each roadway of divided streets and highways, and one-way roadways in the direction of travel, they shall be yellow. The edge line shall be a solid line, approximately four inches wide, placed on the edge of the traveled way.

The use of raised or recessed pavement markers to supplement, or substitute for, right edge lines shall take into consideration their effect on bicycle, pedestrian, and vehicular safety.

**NEW SECTION**

**WAC 468-95-037 Stop line locations.** The third paragraph of MUTCD Section 3B-17 is amended to read as follows:

Stop lines, where used, should ordinarily be placed four feet in advance of and parallel to the nearest crosswalk line. In the absence of a marked crosswalk, the Stop line should be placed at the desired stopping point, in no case less than four feet from the nearest edge of the intersecting roadway.

**WSR 93-10-069**  
**WITHDRAWAL OF PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed May 3, 1993, 3:21 p.m.]

Please be advised the Washington State Liquor Control Board has decided to withdraw proposed amendatory language modifying WAC 314-12-020 and 314-16-030 as filed on March 23, 1993, as WSR 93-07-110.

The board will resubmit WAC 314-12-020 to correct clerical errors noted by your office previously.

Paula O'Connor  
 Chairman

**WSR 93-10-071**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed May 3, 1993, 4:02 p.m.]

Original Notice.

Title of Rule: 246-810-020 Expiration of registration or certification; 246-810-990 Counselor fees; 246-824-990 Dispensing optician fees; 246-828-990 Hearing aid fitter/dispenser fees; 246-830-990 Massage practitioner fees; 246-836-990 Naturopathic physician fees; 246-843-990 Nursing home administrator fees; 246-845-990 Nursing pool fees; 246-849-990 Ocularist fees; 246-933-990 Veterinary fees; and 246-935-990 Animal technician fees.

Purpose: Fees for health profession licenses are proposed to support the proposed 1993-1995 biennium budget.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: Fees are modified for the professions listed under Title of Rule above.

Reasons Supporting Proposal: Fee changes are required to fund the 1993-1995 program budgets.

Name of Agency Personnel Responsible for Drafting: Janice Boden, 1300 Quince S.E., (206) 753-3199; Implementation and Enforcement: Ron Weaver, 1300 Quince Street S.E., (206) 753-7007.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To establish professional licensing fees to ensure programs are self-supporting; and to change current renewal

of registered counselors from a two year to an annual renewal.

Proposal Changes the Following Existing Rules: Adjusts fees for the professional licensing programs listed above. Changes registered counselor renewal cycle from biennial to annual.

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

Hearing Location: On June 8, 1993, at 6:00 p.m. - 9:00 p.m., Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA 98188, (206) 244-6666; and on June 9, 1993, at 6:00 p.m. - 9:00 p.m., Ramada Inn/Airport, Spokane International Airport, Spokane, Washington 99204, (509) 838-5211.

Submit Written Comments to: Rules Management, Ann Foster, 1300 Quince S.E., P.O. Box 47902, Olympia, WA 98504-7902, by June 4, 1993.

Date of Intended Adoption: June 16, 1993.

April 30, 1993  
Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-810-020 Expiration of registration or certification.** A registration or certification shall expire on the registered or certified practitioner's ~~((second))~~ first birthdate following the date of ~~((original))~~ initial issue at which time it will be subject to renewal. Thereafter, the registration or certification will be renewable at ~~((two-year))~~ one-year intervals, on or before the birthdate of the registered or certified practitioner.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-810-990 Fees.** The following fees shall be charged by the professional licensing services division of the department of health:

Title	Fee
<b>Registered counselor:</b>	
Application and registration	<del>((75.00))</del> <u>40.00</u>
Application assessment	<del>((3.50))</del> <u>2.00</u>
Renewal	<del>((70.00))</del> <u>37.00</u>
Renewal assessment	<del>((3.50))</del> <u>1.85</u>
Late renewal penalty	<del>((73.50))</del> <u>37.00</u>
Duplicate <del>((license))</del> <u>registration</u>	<del>((42.00))</del> <u>15.00</u>
Certification/verification	<del>((15.00))</del> <u>15.00</u>
<b>Registered <del>((counselor--))</del>hypnotherapist:</b>	
Application and registration	<del>((75.00))</del> <u>85.00</u>
Application assessment	<del>((3.50))</del> <u>4.25</u>
Renewal	<del>((70.00))</del> <u>35.00</u>
Renewal assessment	<del>((3.50))</del> <u>1.75</u>
Late renewal penalty	<del>((73.50))</del> <u>35.00</u>
Duplicate <del>((license))</del> <u>registration</u>	<del>((42.00))</del> <u>15.00</u>
Certification/verification	<del>((50.00))</del> <u>15.00</u>
<b>Certified marriage<del>((s))</del> and family therapist:</b>	
Application <del>((and certification))</del>	<del>((125.00))</del> <u>100.00</u>
Application assessment	<del>((6.00))</del> <u>5.00</u>
<u>Initial certification</u>	<u>125.00</u>

Written examination	<del>((140.00))</del> <u>250.00</u>
Oral examination	<del>((140.00))</del> <u>200.00</u>
Retake examination—written	<del>((140.00))</del> <u>250.00</u>
Retake examination—oral	<del>((140.00))</del> <u>200.00</u>
Renewal	<del>((70.00))</del> <u>215.00</u>
Renewal assessment	<del>((3.50))</del> <u>10.75</u>
Late renewal penalty	<del>((73.50))</del> <u>100.00</u>
Duplicate <del>((license))</del> <u>certification</u>	<del>((50.00))</del> <u>15.00</u>
Certification/verification	<del>((50.00))</del> <u>15.00</u>
<u>Wall certificate</u>	<u>15.00</u>

<b>Certified mental health counselor:</b>	
Application <del>((and certification))</del>	<del>((125.00))</del> <u>75.00</u>
Application assessment	<del>((6.00))</del> <u>3.75</u>
<u>Initial certification</u>	<u>60.00</u>
Examination	<del>((145.00))</del> <u>90.00</u>
Retake examination	<del>((120.00))</del> <u>90.00</u>
Renewal	<del>((70.00))</del> <u>65.00</u>
Renewal assessment	<del>((3.50))</del> <u>3.25</u>
Late renewal penalty	<del>((73.50))</del> <u>50.00</u>
Duplicate <del>((license))</del> <u>certification</u>	<del>((62.00))</del> <u>15.00</u>
Certification/verification	<del>((50.00))</del> <u>15.00</u>
<u>Wall certificate</u>	<u>15.00</u>

<b>Certified social worker:</b>	
Application <del>((and certification))</del>	<del>((105.00))</del> <u>50.00</u>
Application assessment	<del>((5.00))</del> <u>2.50</u>
<u>Initial certification</u>	<u>50.00</u>
Examination	<del>((140.00))</del> <u>115.00</u>
Retake examination	<del>((120.00))</del> <u>115.00</u>
Renewal	<del>((70.00))</del> <u>65.00</u>
Renewal assessment	<del>((3.50))</del> <u>3.25</u>
Late renewal penalty	<del>((73.50))</del> <u>50.00</u>
Duplicate <del>((license))</del> <u>certification</u>	<del>((62.00))</del> <u>15.00</u>
Certification/verification	<del>((50.00))</del> <u>15.00</u>
<u>Wall certificate</u>	<u>15.00</u>

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-824-990 Dispensing optician fees.** The following fees shall be charged by the professional licensing services of the department of health:

Title of Fee	Fee
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	<del>((30.00))</del> <u>50.00</u>
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
Duplicate license	15.00
Certification	<del>((25.00))</del> <u>15.00</u>
<u>Apprentice Registration</u>	<u>75.00</u>
<u>Endorsement Application</u>	<u>100.00</u>
<u>Inactive License</u>	<u>35.00</u>

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 173, filed 6/6/91, effective 7/7/91)

**WAC 246-828-990 Hearing aid fitter/dispenser fees.** The following fees shall be charged by the professional licensing services of the department of health:

Title of Fee	Fee
<b>Trainee:</b>	
Initial application	<del>(\$350.00)</del> <u>200.00</u>
Trainee transfer of sponsor—Within fifteen days	<del>(100.00)</del> <u>50.00</u>
Trainee transfer of sponsor—Over fifteen days	<del>(200.00)</del> <u>100.00</u>
Extension of trainee license	<del>(200.00)</del> <u>100.00</u>
<b>Fitter/dispenser:</b>	
Examination or reexamination (full)	<del>(500.00)</del> <u>350.00</u>
Partial reexamination	<del>(300.00)</del> <u>200.00</u>
Initial license	<del>(300.00)</del> <u>175.00</u>
Renewal	<del>(500.00)</del> <u>340.00</u>
Late renewal penalty	<del>(400.00)</del> <u>272.00</u>
Duplicate license	15.00
Certification	<del>(25.00)</del> <u>15.00</u>
<u>Temporary Practice Permit</u>	<u>175.00</u>

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 224), filed 12/23/91, effective 1/23/92)

**WAC 246-830-990 Massage fees.** The following fees shall be charged by the professional licensing services of the department of health:

Title of Fee	Fee
Written examination and reexamination	<del>\$(60.00)</del> <u>65.00</u>
Practical examination and reexamination	<del>(80.00)</del> <u>50.00</u>
Reciprocity	50.00
Initial license	<del>(80.00)</del> <u>55.00</u>
Renewal	<del>(70.00)</del> <u>65.00</u>
Late renewal penalty	<del>(75.00)</del> <u>50.00</u>
Certification	<del>(25.00)</del> <u>15.00</u>
Duplicate license	15.00

**AMENDATORY SECTION** (Amending Order 121), filed 12/27/90, effective 1/31/91)

**WAC 246-836-990 Naturopathic physician licensing fees.** (1) The following fees are payable to the department of health.

Title of fee	Amount
Application( <del>examination/reexamination</del> )	<del>(\$550.00)</del> <u>50.00</u>
Pregraduate basic science examination	300.00
<u>Clinical examinations (initial/retake)</u>	<u>275.00</u>
<u>Basic science examinations (initial/retake)</u>	<u>125.00</u>
<u>Add-on examinations (initial/retake)</u>	<u>75.00</u>

State examination (initial/retake)	50.00
<u>Initial license</u>	<u>50.00</u>
License renewal	<del>((550.00))</del> <u>450.00</u>
Late renewal penalty	<del>((300.00))</del> <u>225.00</u>
Duplicate license	<del>((50.00))</del> <u>15.00</u>
Certification	<del>((50.00))</del> <u>15.00</u>
Application for reciprocity	<del>((550.00))</del> <u>50.00</u>

(2) Fees submitted to and processed by the department are nonrefundable.

**AMENDATORY SECTION** (Amending Order 154, filed 4/16/91, effective 5/17/91)

**WAC 246-843-990 Nursing home administrator fees.** The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and original license)	<del>((500.00))</del> <u>325.00</u>
Reexamination (partial)	<del>((300.00))</del> <u>125.00</u>
Application—Reciprocity	<del>((400.00))</del> <u>295.00</u>
Temporary permit	<del>((400.00))</del> <u>190.00</u>
Renewal	<del>((380.00))</del> <u>295.00</u>
Inactive license renewal	<del>((200.00))</del> <u>110.00</u>
Late renewal penalty	<del>((160.00))</del> <u>145.00</u>
Duplicate license	<del>((25.00))</del> <u>15.00</u>
Certification	<del>((50.00))</del> <u>15.00</u>
Administrator-in-training	<del>((275.00))</del> <u>100.00</u>

**AMENDATORY SECTION** (Amending Order 173, filed 6/6/91, effective 7/7/91)

**WAC 246-845-990 Nursing pool fees.** The following fees shall be charged by the professional licensing division of the department of health.

Title	Fee
Registration application	<del>((125.00))</del> <u>\$175.00</u>
Registration renewal	<del>((125.00))</del> <u>185.00</u>
Late renewal penalty	<del>((75.00))</del> <u>185.00</u>
Duplicate registration	<del>((15.00))</del> <u>25.00</u>
<u>Registration Certification</u>	<u>25.00</u>

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-849-990 Ocularist fees.** The following fees shall be charged by the professional licensing services of the department of health:

Title of Fee	Fee
Application and examination	<del>\$(500.00)</del> <u>250.00</u>
Renewal	500.00
Late renewal penalty	<del>((500.00))</del> <u>175.00</u>
Duplicate license	<del>((15.00))</del> <u>25.00</u>
Certification	25.00
<u>Apprentice Registration</u>	<u>25.00</u>
<u>Apprentice Renewal</u>	<u>25.00</u>



<u>Temporary Practice Permit</u>	<u>25.00</u>
<u>Active Retired License</u>	<u>100.00</u>

above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 252 [351], filed 3/10/92 [3/30/93], effective 4/10/92 [4/30/93])

**WAC 246-933-990 Fees.** The following fees shall be charged by the professional licensing services division of the department of health:

Title of Fee	Fee
VETERINARIAN:	
National board examination (NBE)	
(initial/retake) . . . . .	((150.00)) <u>130.00</u>
Clinical competency test (CCT)	
(initial/retake) . . . . .	130.00
State examination . . . . .	((225.00)) <u>125.00</u>
<u>Initial State License</u> . . . . .	<u>95.00</u>
State examination (retake) . . . . .	((150.00)) <u>125.00</u>
Specialty licensure . . . . .	((225.00)) <u>95.00</u>
Impaired veterinarian assessment . . . . .	((25.00)) <u>10.00</u>
Temporary permit . . . . .	((100.00)) <u>95.00</u>
State or specialty license renewal . . . . .	((115.00)) <u>95.00</u>
Retired active and renewal . . . . .	((60.00)) <u>45.00</u>
Late renewal penalty (state and specialty license) . . . . .	((35.00)) <u>31.00</u>
Late renewal penalty (retired active license) . . . . .	((20.00)) <u>15.00</u>
Duplicate license . . . . .	15.00
Certification . . . . .	((25.00)) <u>15.00</u>

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 252, filed 3/10/92, effective 4/10/92)

**WAC 246-935-990 Fees.** The following fees shall be charged by the professional licensing services division of the department of health:

Title of Fee	Fee
ANIMAL TECHNICIAN	
National examination (initial/retake) . . . . .	((95.00)) <u>80.00</u>
State examination (initial/retake) . . . . .	((100.00)) <u>80.00</u>
Initial registration . . . . .	60.00
Renewal . . . . .	((60.00)) <u>51.00</u>
Late renewal penalty . . . . .	((25.00)) <u>17.00</u>
Duplicate registration . . . . .	15.00
Certification . . . . .	((25.00)) <u>15.00</u>

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

**WSR 93-10-072**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed May 3, 1993, 4:05 p.m.]

Original Notice.

Title of Rule: Temporary and provisional certification during first year of certification program, WAC 246-930-499.

Purpose: To extend the provisional date from June 30, 1993, to June 30, 1994, to allow provisional providers to complete certification requirements.

Statutory Authority for Adoption: RCW 18.155.040.

Statute Being Implemented: Chapter 18.155 RCW.

Summary: Program implementation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Nicoloff, 1300 Quince Street, Mailstop 7870, 753-0712.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allows providers to complete certification requirements.

Proposal does not change existing rules.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on June 8, 1993, at 1:00 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by June 7, 1993.

Date of Intended Adoption: June 15, 1993.

April 30, 1993  
Bruce Miyahara  
Secretary

AMENDATORY SECTION (Amending Order 275, filed 3/28/92 [5/28/92], effective 6/28/92)

**WAC 246-930-499 Temporary and provisional certificate during initial implementation of certification program.** In order to provide adequate time for applicants to prepare for initial examination and to avoid disruption of current service provision, a system of temporary and provisional certification as described below shall be in effect for applicants whose applications are received by the department before September 1, 1991.

(1) Temporary full certification. An applicant who is a credentialed health professional and who meets all education, experience, and training prerequisites for full certification at the time of application shall be issued temporary full certification in order to allow practice to continue pending satisfactory passage of the examination. The temporary full certification shall expire on issuance of an initial certificate, or on June 30, 1992, whichever comes first. Temporary full certification shall not be renewed.

(2) Temporary affiliate certification. An applicant who is a credentialed health professional and who meets all education, experience, and training prerequisites for affiliate certification at the time of application shall be issued temporary affiliate certification in order to allow practice to continue pending satisfactory passage of the examination. The temporary affiliate certification shall expire on issuance of an initial affiliate or full certificate, or on June 30, 1992, whichever comes first. Temporary affiliate certification shall not be renewed.

(3) Provisional certification.

(a) An applicant who is a credentialed health professional and who has at least one thousand hours of experience in treatment and/or evaluation accrued over the seven years immediately preceding application, and who has the equivalent of one year of graduate school credit toward satisfaction of the education requirements of WAC 246-930-030(1) may submit a plan to the department documenting how he/she plans to meet all remaining experience, education, or training requirements and pass the examination by June 30, 1992. If the plan is approved by the department, the applicant shall be granted provisional full certification.

(b) An applicant who is a credentialed health professional and who otherwise meets all education and training prerequisites for full certification at the time of application and who has the requisite experience except that his or her experience has been primarily in the area of evaluation, or primarily in the area of treatment of offenders, may submit a plan documenting how he/she plans to obtain sufficient experience in evaluation or treatment necessary to qualify for full certification no later than June 30, 199(3) 4. If the plan is approved by the department, the applicant shall be granted a provisional full certification.

(c) Plans submitted under this subsection which call for obtaining additional experience in a practice area in which the applicant does not have the required minimum hours shall include an appropriate supervision component with a certified sex offender treatment provider.

(d) Providers practicing with provisional full certification status may not supervise affiliate providers.

(e) The provisional certification shall expire upon issuance of initial full or affiliate certification or on June 30, 1992, whichever comes first, except that if a provider who holds provisional certification pursuant to (a) and (b) of this subsection or subsection (4) of this section has passed the examination, demonstrated substantial progress in accordance with his or her approved plan, and paid the extension fee required by WAC 246-930-990, the termination date may be extended to June 30, 199(3) 4. Provisional full certification status shall not be renewed.

(4) Provisional affiliate certification. An applicant who is a credentialed health professional, who meets the minimum educational requirements for affiliate certification set forth in WAC 246-930-050, and who has at least one thousand seven hundred hours of experience in treatment and/or evaluation accrued over the seven years immediately preceding application, may submit a plan to the department documenting how she/he plans to meet all remaining experience requirements and/or the training requirements set forth in WAC 246-930-070 and pass the examination by June 30, 1992. If the plan is approved by the department, the applicant shall be granted provisional affiliate certifica-

tion. Provisional affiliate certification shall expire on issuance of an initial full or affiliate certificate, or June 30, 1992, whichever comes first. Provisional affiliate certification shall not be renewed.

(5) The temporary and provisional certification system shall be in effect from July 1, 1991, through June 30, 1992. On June 30, 1992, all provisional and temporary certificates expire, and only full certification or affiliate status certification shall be issued, except that the approved provisional certificate may be extended to no later than June 30, 1993, in accordance with subsection (3)(e) of this section.

(6) Any temporary or provisional certification issued pursuant to this section shall be subject to disciplinary action pursuant to chapter 18.130 RCW.

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

**WSR 93-10-073**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
[Filed May 4, 1993, 10:02 a.m.]

Original Notice.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles etc.; and chapter 308-66 WAC, Motor vehicle dealers and salesmen. WAC 308-56A-115 Vehicles not previously titled; 308-56A-125 Foreign title or registration; 308-56A-140 Department temporary permit; 308-56A-160 Model year—How determined; 308-56A-420 Delivery of vehicle on dealer temporary permit; and 308-66-196 Possession of custom documents.

Purpose: Provide clarification and provide documents required to show ownership of imported vehicles. Provide alternate display of dealer temporary permits. Determine model year.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapters 46.12 and 46.70 RCW.

Summary: Implement documentation required for ownership of imported vehicles. Prescribe method for determining model year. Display of dealer temporary permit.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jack L. Lince, General Administration Building, 753-7379.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The following new WACs are proposed for adoption. WAC 308-56A-160, prescribes the method used to assign a model year for a vehicle; and WAC 308-66-196, requires vehicle dealers to obtain and retain certain documentation which establishes merchantability of title to imported vehicles.

Proposal Changes the Following Existing Rules: WAC 308-56A-115, prescribes documentation required when applying for ownership of a vehicle not previously titled or licensed in this state; WAC 308-56A-125, prescribes docu-

mentation required when applying for ownership of a vehicle previously titled or licensed in a foreign jurisdiction; WAC 308-56A-140, administrative clarification on issue of department temporary permits; and WAC 308-56A-420, administrative clarification on issue of vehicle dealer temporary permit. Prescribes alternate method to display dealer temporary permit. Clarification to extending dealer temporary permit form cost credit to dealer when the permit is used to apply for a title.

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

Hearing Location: General Administration Building, First Floor Conference Room, #1A, 210 11th Avenue S.W., Olympia, WA 98504, on June 24, 1993, at 9:30 a.m.

Submit Written Comments to: Nancy Kelly, Administrator, Title and Registration Services, P.O. Box 2957, Mailstop 8022, Olympia, WA 98507-2957, by June 23, 1993.

Date of Intended Adoption: June 30, 1993.

May 3, 1993

David M. Hankins

Assistant Attorney General

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

**WAC 308-56A-115 Vehicles not previously titled.**

(1) Application for certificates of ((title)) ownership and/or registration to a vehicle ((never before)) not previously titled or licensed in this state must be accompanied by ((appropriate authorized documentation)) documents acceptable to the department.

(2) Application for certificates of ownership and/or registration to a used vehicle or vehicle that has never been titled or registered in this state or any other jurisdiction must be accompanied by documents set forth in WAC 308-56A-110 for new vehicles.

(3) Application for certificates of ownership and/or registration to a used vehicle or vehicle that has been titled and/or registered in a foreign jurisdiction must be accompanied by the most recently issued valid title or other documents acceptable to the department which constitute proof of ownership.

(4) Application for certificates of ownership and/or registration, for a vehicle imported from a country that cancels the vehicle title and/or registration for export, must be accompanied by the documents evidencing the cancellation and constituting proof of ownership.

(5) Any document provided which is not in the English language, shall be accompanied by a literal translation into the English language and verified as to the accuracy of the translation by a notarized affidavit from the translator.

AMENDATORY SECTION (Amending Order TL/RG 44, filed 9/30/88)

**WAC 308-56A-125 Foreign title or registration.** ~~((# the))~~ (1) Applications for ((title is for a)) certificate of ownership on vehicles previously titled and/or registered in another state((, the application)) or foreign jurisdiction must be accompanied by either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state((, provided that no)) or

jurisdiction. A release is not required if there is no change in ownership.

(2) Applications for certificate of title or registration on vehicles imported into the state of Washington from a foreign jurisdiction, except from another state, territory, or possession of the United States, District of Columbia, or Commonwealth of Puerto Rico, must, in addition to the requirements of subsection (1) of this section, be accompanied by:

(a) A United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country; and

(b) If the vehicle does not conform with all applicable federal motor vehicle safety standards or federal air pollution control regulations, an instrument of release from the National Highway Traffic Safety Administration (NHTSA) and/or the Environmental Protection Agency (EPA) indicating the United States Customs Service may not issue a Notice of Redelivery requiring the vehicle to be returned to United States Customs Service's custody.

AMENDATORY SECTION (Amending WSR 92-03-077, filed 1/14/92, effective 2/14/92)

**WAC 308-56A-140 Departmental temporary permit.** ~~((If the proper))~~ When proper vehicle ownership documentation is not immediately available, the department may, at its option, issue a temporary permit. ((This permit will be valid for sixty days. The temporary permit is available at any vehicle license office. The application must be on the form supplied)) Department temporary permits are valid for no longer than sixty days and authorize operation of the motor vehicle upon the roadways of this state. Temporary permits are available at all vehicle licensing offices.

Application for a temporary permit shall be on forms provided by the department and must be completed in accordance with the instructions issued by the department. The temporary permit fee and all title and licensing fees, except any fee((s)) for license plates, must be paid((, including the temporary permit fee)) at the time the temporary permit is issued.

~~((Fees for))~~ The license plate((s)) fee will be ((paid at the time)) collected when the license plates are issued. ((When)) If license fees are being paid monthly in accordance with RCW 46.16.135, the license fees paid must be for at least the entire term of the temporary permit being issued.

The hard copy of the temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

NEW SECTION

**WAC 308-56A-160 Model year—How determined.**

(1) The model year for a vehicle is the model year assigned by the manufacturer when the vehicle is manufactured or assembled. The model year shall be designated on the manufacturer's certificate of origin (MCO) or similar documents provided by the actual manufacturer.

(2) In the event an original manufacturer has not assigned a model year or the vehicle is rebuilt, assembled, or is a kit, the Washington state patrol or other person autho-

rized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for title.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) If there is a difference in the VINs on a manufactured motor home chassis and body, the model year will be the year the chassis and body were combined.

(d) The model year for assembled vehicles, kit vehicles, and replicas without an MCO will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the assembled vehicle most closely resembles.

(3) For purposes of this section "manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles. Manufacture shall include the assembling, altering, or converting of a new vehicle from that of the primary manufacturer to the extent the vehicle qualifies for a change in the series and body type appearing on its title or MCO or similar document.

**NEW SECTION**

**WAC 308-66-196 Possession of custom documents.**

If a vehicle is imported from a foreign jurisdiction, except from another state, territory, or possession of the United States, District of Columbia, or Commonwealth of Puerto Rico, and an intervening state of Washington certificate of ownership has not been issued, the vehicle dealer shall have possession of the following documents in addition to the certificate of ownership as provided in WAC 308-66-195:

(1) A United States Department of the Treasury, Customs Service form properly executed authorizing the vehicle entry into the United States; and

(2) If the vehicle did not conform with federal motor vehicle safety standards or federal air pollution control regulations, an instrument of release from the National Highway Traffic Safety Administration (NHTSA) and/or the Environmental Protection Agency (EPA) indicating the United States Customs Service may not issue a notice of redelivery.

**AMENDATORY SECTION** (Amending WSR 90-10-013, filed 4/20/90, effective 5/21/90)

**WAC 308-56A-420 Delivery of vehicle on dealer's temporary permit.** (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear ~~((currently))~~ valid Washington state license plates or tabs by utilizing a dealer's temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling dealer, detailing all fees collected, ~~((including))~~ the dealer's report of sale and the date of sale. If license based on gross weight is required, ~~((based on gross weight,))~~ the amount of

gross weight purchased must be clearly shown. The application must be signed by the registered owner.

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

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

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

(6) ~~((If the vehicle is designed with a rear window, the permit will be attached to))~~ The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the ~~((large numbers))~~ expiration date visible to one standing or following at the rear of the vehicle. ~~((The means of attachment will not obscure the year, make, identification number, the owner's name and address or the date of issue.))~~

(7) The dealer's ~~((s))~~ temporary license permit is valid for not more than thirty calendar days following the date of ~~((delivery of))~~ vehicle sale.

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

- (a) Be issued for a dealer ~~((inventory))~~ inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(9) Fees paid for dealer's ~~((s))~~ temporary license permit application ~~((s))~~ forms are not refundable unless the dealer ceases doing business as a vehicle dealer. ~~((The fee paid for a single application can be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.))~~ A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(10) The dealer shall maintain a record ~~((s))~~ of each dealer temporary permit form acquisition and distribution including the following:

- (a) Vehicle purchaser's names;
- (b) Vehicle identification;
- (c) Dates of vehicle ~~((delivery))~~ sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

**WSR 93-10-074**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:01 a.m.]

**SWAPCA 401 - OPERATING PERMIT**  
**REGULATION**

NEW SECTION

**SWAPCA 401-100 Program overview.**

(1) The provisions in this regulation provide for the establishment of a comprehensive Air Operating Permit Program consistent with the requirements of Title V of the Federal Clean Air Act (FCAA) (42 U.S.C. 7401, et seq.).

(2) All sources subject to this regulation shall have a permit to operate that assures compliance by the source with all applicable requirements. While SWAPCA 401 does not impose substantive new requirements, it does require that fees be imposed on sources and that certain procedural measures be adopted especially with respect to compliance.

(3) The requirements of this section, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the Acid Rain Program, except as provided herein or modified in regulations promulgated under Title IV of the FCAA (Acid Rain Program).

(4) Issuance of permits under this section may be coordinated with issuance of permits under the Resource Conservation and Recovery Act and under the Clean Water Act, whether issued by the state, the United States Environmental Protection Agency (EPA), or the United States Army Corps of Engineers.

NEW SECTION

**SWAPCA 401-200 Definitions.**

The definitions of terms contained in SWAPCA 400 are incorporated by reference, unless otherwise defined here. Unless a different meaning is clearly required by context, the following words and phrases, as used in this section, shall have the following meanings:

(1) "Administrator" shall refer to the EPA Administrator unless specifically defined otherwise.

(2) "Affected source" means a source that includes one or more affected units.

(3) "Affected states" are the states or Tribal Nations:

(a) Whose air quality may be affected when a SWAPCA 401 permit, permit modification, or permit renewal is being proposed; or

(b) That are within 100 kilometers of the permitted source.

(4) "Affected unit" means a fossil-fuel fired combustion device or a source that opts-in under 40 CFR Part 74, that is subject to any emission reduction requirement or limitation under the Acid Rain Program.

(5) "Applicable requirement" means all of the following as they apply to emissions units in a SWAPCA 401 source (including requirements that have been promulgated or approved by EPA, Ecology or the Southwest Air Pollution Control Authority through rule making at the time of permit issuance but have future-effective compliance dates):

(a) The applicable provisions of the Federal Clean Air Act (FCAA), including:

(i) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated

Original Notice.

Title of Rule: Adding SWAPCA 401 Operating Permit Regulation.

Purpose: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA.

Other Identifying Information: SWAPCA 401-100 is the Program overview; SWAPCA 401-200 is Definitions; and SWAPCA 401-300 is Applicability.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.161.

Summary: This is a new section which implements the Operating Permit Program required by the Washington Clean Air Act. The requirements in this regulation are substantially the same as those being proposed by the Washington Department of Ecology. These regulations may be included in the Washington State Implementation Plan.

Reasons Supporting Proposal: Regulations need to be adopted by the Southwest Air Pollution Control Authority to receive delegation for the Operating Permit Program under Title V of the 1990 Federal Clean Air Act.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA. It implements new requirements for major sources for air pollution control within the jurisdiction of the Southwest Air Pollution Control Authority.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
 Robert D. Elliott  
 Executive Director

by EPA through rule making under Title I of the FCAA (Air Pollution Prevention and Control) that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR 52;

(ii) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under Title I, including Parts C (Prevention of Significant Deterioration) or D (Plan Requirements for Nonattainment Areas), of the FCAA;

(iii) Any standard or other requirement under section 111 (New Source Performance Standards) of the FCAA, including section 111(d);

(iv) Any standard or other requirement under section 112 (Hazardous Air Pollutants) of the FCAA, including any requirement concerning accident prevention under section 112 (r)(7) of the FCAA;

(v) Any standard or other requirement of the Acid Rain Program under Title IV of the FCAA (Acid Deposition Control) or the regulations promulgated thereunder;

(vi) Any requirements established pursuant to section 504(b) or section 114 (a)(3) of the FCAA;

(vii) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;

(viii) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;

(ix) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

(x) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

(xi) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

(xii) Any National Ambient Air Quality Standard or increment or visibility requirement under Part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the FCAA.

(b) Chapter 70.94 RCW and rules adopted thereunder. This includes requirements in regulatory orders issued by the Authority.

(c) In permits issued by the Southwest Air Pollution Control Authority, the requirements of any order or regulation adopted by the Authority.

(d) Chapter 70.98 RCW and rules adopted thereunder.

(e) Chapter 80.50 RCW and rules adopted thereunder.

(6) "Authority" means the Southwest Air Pollution Control Authority (SWAPCA).

(7) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

(8) "Delegated authority" means the Southwest Air Pollution Control Authority which has been delegated the permit program pursuant to RCW 70.94.161 (3)(b).

(9) "Designated representative" shall have the meaning given to it in section 402(26) of the FCAA and the regulations promulgated thereunder and in effect on June 15, 1993.

(10) "Draft permit" means the version of a permit for which the Authority offers public participation or affected state review.

(11) "Ecology" means Washington State Department of Ecology.

(12) "Emissions allowable under the permit" means an enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(13) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

(14) The "EPA" or the "Administrator" means the Administrator of the U.S. Environmental Protection Agency or her/his designee.

(15) "Final permit" means the version of a SWAPCA 401 permit issued by the Authority that has completed all review procedures required by SWAPCA 401 and 40 CFR §§ 70.7 and 70.8.

(16) "General permit" means a permit which covers multiple facilities of a source category in lieu of individual permits being issued to each facility.

(17) "Insignificant emissions unit" means any activity or emissions unit located within a SWAPCA 401 source that:

(a) Would not adversely impact air quality; or

(b) Would not be subject to registration pursuant to RCW 70.94.151, new source review under RCW 70.94.152 if the unit were being initially constructed or modified, or other requirements established under the FCAA or Chapter 70.94 RCW.

(18) "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(a) A major source under section 112 of the FCAA, is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or

has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
  - (ii) Kraft pulp mills;
  - (iii) Portland cement 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; or
  - (xxvii) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the FCAA, but only with respect to those air pollutants that have been regulated for that category;
- (c) A major stationary source as defined in Part D of Title I of the FCAA, including:
- (i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;
  - (ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM<sub>10</sub>) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM<sub>10</sub>.

(19) "PM<sub>10</sub>" 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.

(20) "Permit modification" means a revision to a SWAPCA 401 permit that meets the requirements of this regulation.

(21) "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program (whether such costs are incurred by the Authority or other state or local agencies that do not issue permits directly, but that support permit issuance or administration).

(22) "Permit revision" means any permit modification or administrative permit amendment.

(23) "Permitting authority" means the Southwest Air Pollution Control Authority, who is authorized under RCW 70.94.161 (3)(b) and approved by EPA to carry out a permit program under this regulation.

(24) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air 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 if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the FCAA, or the term "capacity factor" as used in Title IV of the FCAA or the regulations promulgated thereunder.

(25) "Proposed permit" means the version of a permit that the Authority proposes to issue and forwards to the Administrator for review in compliance with 40 CFR 70.8.

(26) "Regulated air pollutant" means the following:

- (a) Nitrogen oxides or any volatile organic compounds;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or
- (e) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the FCAA, including sections 112 (g), (j), and (r), including the following:

(i) Any pollutant subject to requirements under section 112(j) of the FCAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated



on the date eighteen months after the applicable date established pursuant to section 112(e) of the FCAA; and

(ii) Any pollutant for which the requirements of section 112(g)(2) of the FCAA have been met, but only with respect to the individual source subject to section 112 (g)(2) requirement; and

(iii) Any air pollutant subject to requirements under RCW 70.94.331, 70.94.380, and 70.94.395.

(27) "Regulated pollutant (for presumptive fee calculation)," means any "regulated air pollutant" except the following:

(a) Carbon monoxide;

(b) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or

(c) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the FCAA.

(28) "Renewal" means the process by which a permit is reissued at the end of its term.

(29) "Responsible official" means one of the following:

(a) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding twenty-five million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Authority;

(b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(d) For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder and in effect on June 15, 1993 are concerned; and

(ii) The designated representative for any other purposes under 40 CFR Part 70.

(30) "Section 502 (b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

(31) "Small business stationary source" means a stationary source that:

(a) Is owned or operated by a person that employs one hundred or fewer individuals;

(b) Is a small business concern as defined in the Federal Small Business Act;

(c) Is not a major source;

(d) Does not emit fifty tons or more per year of any single regulated pollutant; and

(e) Emits less than seventy-five tons per year of all regulated pollutants.

(32) "Solid waste incineration unit" (as defined in § 129 (g)(1) of the FCAA) means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term "solid waste incineration unit" does not include:

(a) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(b) Qualifying small power production facilities, as defined in section (3)(17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)) or qualifying cogeneration facilities as defined in section (3)(18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes; or

(c) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

(33) "State" means Washington State.

(34) "State implementation plan (SIP)" means the Washington State Implementation Plan.

(35) "SWAPCA 401 permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a SWAPCA 401 source that is issued, renewed, amended, or revised pursuant to this regulation.

(36) "SWAPCA 401 source" means any source subject to the permitting requirements of this regulation.

## NEW SECTION

### **SWAPCA 401-300 Applicability.**

(1) SWAPCA 401 sources. The provisions of this regulation apply in Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties to the following sources:

(a) Any source required by the FCAA to have an operating permit. These include the following sources:

(i) Any major source as defined in SWAPCA 401-200(18).

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 (Standards of Performance for New Stationary Sources) of the FCAA.

(iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the



FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) (Prevention of Accidental Releases) of the FCAA.

(iv) Any solid waste incineration units required to obtain permits under section 129 of the FCAA.

(v) Any "affected source" regulated under Title IV (Acid Deposition Control) of the FCAA.

(vi) Any source in a source category designated by the EPA pursuant to 40 CFR Part 70, as amended through (date of adoption)

(b) Any source that the Authority determines may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare under RCW 70.94.161(5) using the procedures in subsection (5) of this section.

(c) Any other source which applies for a permit.

(2) Source category exemptions.

(a) All sources listed in subsection (1)(a) of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA, are exempted from the obligation to obtain a SWAPCA 401 permit provided that they submit a complete permit application no later than thirty months after the effective date of the permit program. This exemption shall remain in effect until such time that:

(i) The Authority completes a rulemaking to determine whether nonmajor sources should be required to obtain permits. During this rulemaking, the Authority will consider the compliance information contained in individual permit applications when evaluating the regulatory effectiveness and administrative feasibility of issuing operating permits to nonmajor sources relative to other regulatory options. This rulemaking must be completed no later than three years after the effective date of the permit program; or

(ii) The Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources and determines that such sources must obtain operating permits.

(b) Subsection (2)(a) of this section shall not apply to nonmajor sources subject to a standard or other requirement established under either section 111 or section 112 of the FCAA after July 21, 1992, if, during those rulemakings, the Administrator determines that such sources must obtain a permit at an earlier date.

(c) Any source listed in (a) of this subsection exempt from the requirement to obtain a permit under this section may opt to apply for a permit under this regulation.

(d) The following source categories are exempt from the obligation to obtain permit:

(i) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(3) Emissions units and SWAPCA 401 sources.

The Authority shall include in the permit all applicable requirements for all relevant emissions units in the source.

(4) Fugitive emissions. Fugitive emissions from a SWAPCA 401 source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(5) Process for threat to public health or welfare. The following process shall be used to identify sources that are covered pursuant to subsection (1)(b) of this section:

(a) The source has been found to cause or contribute to a violation of any ambient air quality standard as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines; or

(b) The source has been found to cause or contribute to a significant ambient level of any Class A or Class B toxic air pollutant contained in Chapter 173-460 WAC as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines.

(c) Small business stationary sources not otherwise applicable under (a) and (b) of this subsection are exempt except when all of the following requirements are satisfied:

(i) The source is in an area that currently exceeds or has been projected by the Authority to exceed within five years any federal or state air quality standard.

(ii) The Authority provides justification that requiring a source to have a permit is necessary to meet or to prevent exceeding a federal or state air quality standard.

(iii) The Authority holds a public hearing or hearings.

(6) The Authority shall develop and maintain a list of names of SWAPCA 401 sources within their jurisdiction. This list shall be made available to the public. A SWAPCA 401 source inadvertently omitted from this list is not exempted from the requirement to obtain a permit under this section.

(7) Federally enforceable limits. The Authority may exempt a source listed in subsection (1)(a) of this section from the requirement to obtain an operating permit by establishing federally enforceable limitations which limit that source's potential to emit to levels that are below those that would obligate the source to obtain an operating permit.

(a) In applying for an exemption under this subsection, the owner or operator of the source shall certify to the Authority that pollutant emissions from the source are of quantities less than those that would obligate the source to obtain an operating permit. Such certification shall be in accordance with SWAPCA 401-520 and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to demonstrate to the Authority that the source's actual emissions are less than the levels used to designate a source as a major source under subsection (1)(a) of this section.

(b) The Authority may use the following approaches to establish federally enforceable limitations:

(i) General. The Authority may exempt the source from the requirement to obtain an operating permit after determining that the source is operating in compliance with SWAPCA 401-705(1);

(ii) Regulatory orders. The Authority may establish source-specific limitations in a regulatory order. Those requirements become federally enforceable when the order is incorporated into the Washington State Implementation Plan (SIP) and approved by EPA as a SIP revision;

(iii) Notice of Construction Order of Approvals. The Authority may establish source-specific limitations in a Notice of Construction Order of Approval issued pursuant to RCW 70.94.152 or 70.94.153; or

(iv) General permits. The Authority may establish source-category requirements which limit a source's potential to emit through a general permit issued pursuant to RCW 70.94.161(12). Those requirements become federally enforceable when the general permit is approved by EPA.

(c) Sources receiving a federally enforceable limit on potential to emit shall annually certify that their actual emissions are less than those that would require the source to obtain an operating permit. Such certifications shall contain the information specified in (a) of this subsection.

(d) The decision of the Authority to allow the source to operate without an operating permit by limiting emissions shall be published in the *Ecology Permit Register* pursuant to SWAPCA 401-805 (2)(i).

**WSR 93-10-075  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:02 a.m.]

Original Notice.

Title of Rule: Adding SWAPCA 401 Operating Permit Regulation.

Purpose: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA.

Other Identifying Information: SWAPCA 401-400 is Program Submittals and Transition; SWAPCA 401-500 is Permit Applications; SWAPCA 401-510 is Permit Application Form; SWAPCA 401-520 is Certification; SWAPCA 401-600 is Permit Content; SWAPCA 401-605 is Emission Standards and Limitations; SWAPCA 401-610 is Permit Duration; SWAPCA 401-615 is Monitoring and Related Record-keeping Requirements; and SWAPCA 401-620 is Standard Terms and Conditions.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.161.

Summary: This is a new section which implements the Operating Permit Program required by the Washington Clean Air Act. The requirements in this regulation are substantially the same as those being proposed by the Washington Department of Ecology. These regulations may be included in the Washington State Implementation Plan.

Reasons Supporting Proposal: Regulations need to be adopted by the Southwest Air Pollution Control Authority to receive delegation for the Operating Permit Program under Title V of the 1990 Federal Clean Air Act.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott,

Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt regulations for the Operating Permit program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA. It implements new requirements for major sources for air pollution control within the jurisdiction of the Southwest Air Pollution Control Authority.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

NEW SECTION

**SWAPCA 401-400 Program submittals and transition.**

(1) **General.** Ecology is authorized to accept delegation of programs as provided for in the Federal Clean Air Act. Subject to federal approval, Ecology may, in turn, delegate such program to the Authority. This section describes the procedures for delegating the Operating Permit Program to the Authority.

(2) **Application.** The Authority's board may apply to Ecology for a delegation order authorizing the Authority to administer the Operating Permit Program for sources under the Authority's jurisdiction pursuant to RCW 70.94.161 (3)(b). To the maximum extent practicable, such requests shall be submitted by September 1, 1993, in order to coordinate with the federal program submittal.

(3) **Delegation orders.** Ecology will, by order, approve such delegation if Ecology finds that the Authority has the technical and financial resources needed to discharge the responsibilities of a permitting authority under the FCAA. Such approval will be to the same degree and equivalent to the level of delegation approved by the EPA.

(4) **Required information.** A delegation request from the Authority shall include the information specified in 40 CFR 70.4. In addition, the request shall include a description of how the Authority will meet the requirement that every proposed permit 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 the Authority pursuant to RCW 70.94.161 (3)(a).

(5) **Effective date.** Any delegation order issued under this section shall take effect ninety days after the EPA authorizes the Authority to issue operating permits under the FCAA.

(6) **Public notice.** The Authority shall insure publication in the *Washington State Register* notice of all requests for program delegation and substantial program revision. The notice shall summarize the request and provide at least a thirty-day public comment period. EPA review of these requests may occur concurrently with the state process. Notice of approval of program delegation and substantial program revision requests shall be published in the *Washington State Register*. Notice of approval of unsubstantial program revisions may be given by a letter from Ecology to the Authority.

(7) **Performance review.** Performance reviews assess both the qualitative and quantitative performance of delegated Operating Permit Programs. The review shall be based on criteria developed by Ecology and will occur at the end of the fiscal year and be completed before the start of the calendar year. Ecology will conduct the review of delegated programs. A committee comprised of representatives from Ecology, contractor, and EPA will conduct the review of the Authority. All delegated programs shall be reviewed in the following manner:

(a) **Annual routine performance review.** The annual review shall include an evaluation of overall program administration including permit issuance, inspection, public involvement, and enforcement actions. A finding of inadequate administration may trigger a more extensive audit.

(b) **Extensive performance review.** Every five years all delegated programs shall be extensively evaluated to assess overall performance. The extensive audit shall replace the routine audit.

(c) **Fiscal audit.** A fiscal audit shall be combined with the annual review performed by the Washington State Auditor's office.

## NEW SECTION

### **SWAPCA 401-500 Permit applications.**

(1) **Source identification.** Within ninety days after the date that the Authority submits for EPA approval either a permit program or partial permit program, the Authority shall notify each potential SWAPCA 401 source within its jurisdiction that the source may be required to obtain a permit. Failure of the Authority to notify a source shall not relieve that source from the obligation to file a timely and complete application.

(2) **Application distribution.** No later than thirty days after EPA grants final or interim, full or partial, approval to Ecology's and the Authority's program, the Authority shall send an application to each potential SWAPCA 401 source within its jurisdiction, and a notice stating a deadline by which an application must be filed. Unless otherwise specified in the permit, the Authority shall send a permit renewal application to each source no less than twenty months from the date of expiration of the source's permit. Failure of the Authority to distribute permit or renewal applications to an individual source shall not relieve that source from the obligation to file a timely and complete application.

(3) **Duty to apply.**

(a) For each SWAPCA 401 source, the owner or operator shall submit a timely and complete permit applica-

tion in accordance with this regulation. Whenever practicable, the applicant shall utilize methods provided by the Authority for electronic transmission of the completed application.

(i) Existing SWAPCA 401 sources. SWAPCA 401 sources in existence on the date of EPA approval of the Authority's permit program shall submit permit applications no later than one hundred eighty days after EPA approval of the Authority's permitting program pursuant to RCW 70.94.161(7).

(ii) Existing sources becoming SWAPCA 401 sources due to future regulations. A timely application for a source applying for a SWAPCA 401 permit for the first time is one that is submitted within twelve months after the source becomes subject to the permit program.

(iii) New sources. SWAPCA 401 sources which commence operation after EPA approval of the Authority's Operating Program shall file a complete application to obtain the SWAPCA 401 permit or permit revision within twelve months after commencing operation. Where an existing permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. The applicant may elect to integrate procedures for new source review and operating permit issuance as described in subsection (8) of this section.

(iv) Permit renewal. For purposes of permit renewal, a timely application is one that is submitted at least six months prior to the date of permit expiration or such other longer time specified in the permit that ensures that the term of the permit will not expire before the permit is renewed. In no event shall this time be greater than eighteen months.

(v) Applications for initial Phase II Acid Rain Permits shall be submitted to the Authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

(b) **Complete application.** To be deemed complete, an application must provide all information required pursuant to SWAPCA 401-510, except that applications for permit revision need supply such information only if it is related to the proposed change. Information submitted under SWAPCA 401-510 must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official shall certify the submitted information is consistent with SWAPCA 401-520. Unless the Authority determines that an application is not complete within sixty days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in SWAPCA 401-700(3). Any notification of incompleteness shall specify the information needed to make the application complete and prescribe a reasonable time frame for response from the applicant. Unless the Authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of the supplemental information, the application shall be deemed complete. If, while processing an application that has been determined or deemed to be complete, the Authority determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in SWAPCA 401-705(2), shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued,

provided that the applicant submits any requested additional information by the deadline specified by the Authority.

(c) Confidential information. In the case where a source has submitted information to the Authority under a claim of confidentiality, the Authority may also require the source to submit a copy of such information directly to the Administrator.

(4) **Duty to supplement or correct application.** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(5) **Completeness criteria.** An application is complete when the Authority determines it contains the following information:

(a) A completed version of the standard application form or forms described in SWAPCA 401-510, including the required information for each emission unit (other than insignificant emission units) at the facility, along with any necessary supporting data and calculations;

(b) A compliance plan that meets the criteria of SWAPCA 401-630; and

(c) A certification of compliance with all applicable requirements by a responsible official consistent with SWAPCA 401-520 and section 114 (a)(3) of the FCAA;

(6) **EPA notification.** The Authority shall provide EPA with a copy of all permit applications for SWAPCA 401 sources unless EPA waives or modifies this requirement.

(7) **Public notice.** The Authority shall insure publication of a notice of all applications received under this section in the *Ecology Permit Register*. The Authority shall also insure publication of decisions on application incompleteness in the *Ecology Permit Register*.

(8) **Operating permits for new sources.** At the time of filing a Notice of Construction application under RCW 70.94.152 for the construction of a new source or modification of an existing source, the owner or operator may elect in writing to integrate new source review and operating permit issuance. Procedures for integration of these two processes are as follows:

(a) Modification of existing source. The owner or operator of an existing permitted source applying to modify the source within the meaning of RCW 70.94.161 (1)(g) may select integrated review by so indicating on its Notice of Construction application. The Authority shall process the Notice of Construction application in accordance with the procedures set forth in SWAPCA 401-700. The deadlines contained in these sections shall supersede the deadlines set forth in RCW 70.94.152(7). A proposed Order of Approval for the modification shall be provided to EPA for review as provided in SWAPCA 401-810, along with a proposed administrative permit amendment to the source's Operating Permit. The administrative permit amendment shall incorporate into the Operating Permit the requirements contained in the Order of Approval. The Order of Approval shall include compliance requirements for the new or modified emissions units substantially equivalent to those contained in SWAPCA 401-600 through 401-650. The Authority shall issue the

final permit amendment and Order of Approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

(b) Construction of new source. Any person who proposes to construct a new source, within the meaning of RCW 70.94.161 (1)(e), may select integrated review by concurrently filing with the Authority a Notice of Construction application and an Operating Permit application. The Authority shall process both applications in accordance with the procedures set forth in SWAPCA 401-700. The deadlines contained in these sections shall supersede the deadlines set forth in RCW 70.94.152(7). The Authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods, and EPA review periods. A proposed Order of Approval for the new source shall be provided to EPA for review as provided in SWAPCA 401-810, along with the proposed Operating Permit. The Authority shall issue the final Operating Permit and Order of Approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

#### NEW SECTION

#### **SWAPCA 401-510 Permit application form.**

(1) **Standard application form and required information.** The Authority shall utilize a standardized application form or forms. Information as described below for each emissions unit at a SWAPCA 401 source shall be included in the application. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the Authority's fee schedule.

(2) **Required data elements for individual permit applications.** The application forms developed under subsection (1) of this section shall contain the data elements specified below:

(a) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(b) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.

(c) The following emissions-related information:

(i) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this subsection and listed as insignificant emissions units. The Authority shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the Authority's fee schedule;

(ii) Identification and description of all points of emissions described in (c)(i) of this subsection in sufficient

detail to establish the basis for fees and applicability of applicable requirements;

(iii) Emissions rates in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method;

(iv) The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules;

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities;

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the SWAPCA 401 source;

(vii) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the FCAA); and

(viii) Calculations on which the information in (c)(i) through (vii) of this subsection are based.

(d) The following air pollution control requirements:

(i) Citation and description of all applicable requirements; and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(e) Other specific information that may be necessary to implement and enforce other applicable requirements of this section or to determine the applicability of such requirements.

(f) An explanation of any proposed exemptions from otherwise applicable requirements.

(g) Additional information as determined to be necessary by the Authority to define alternative operating scenarios identified by the source pursuant to SWAPCA 401-650 or to define permit terms and conditions implementing SWAPCA 401-600 through 401-650.

(h) A compliance plan for all SWAPCA 401 sources that contains all the following:

(i) A description of the compliance status of the source with respect to all applicable requirements;

(ii) A description as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis; and

(C) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;

(iii) A compliance schedule as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. This shall include a detailed schedule of compliance (including milestones) unless the Authority determines that such a schedule is not necessary to satisfy this provision;

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

(iv) A schedule for submission of certified progress reports every six months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the FCAA with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(i) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with SWAPCA 401-520 and section 114 (a)(3) of the FCAA;

(ii) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted annually, or more frequently if specified by the underlying applicable requirement; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the FCAA.

(j) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the FCAA and in effect on June 15, 1993.

#### NEW SECTION

##### **SWAPCA 401-520 Certification.**

Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this regulation shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

#### NEW SECTION

##### **SWAPCA 401-600 Permit content.**

Every requirement in an Operating Permit shall be based upon the most stringent of the following requirements:

(1) The FCAA and rules implementing that act, including provisions of the approved Washington State Implementation Plan;

(2) Chapter 70.94 RCW and rules implementing that chapter. This includes requirements in regulatory orders issued by the Authority;

(3) The requirements of any order or regulation adopted by the Authority;

(4) Chapter 70.98 RCW and rules adopted thereunder; and

(5) Chapter 80.50 RCW and rules adopted thereunder.

NEW SECTION

**SWAPCA 401-605 Emission standards and limitations.**

(1) **General.** Each permit shall contain emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

(2) **Legal authority.** The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(3) **Acid rain.** The permit shall state that, where an applicable requirement of the FCAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the FCAA, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

(4) **Alternative emission limits.** If the Washington State Implementation Plan allows a determination of an alternative emission limit at a SWAPCA 401 source, equivalent to that contained in the Plan, to be made in the permit issuance, renewal, or significant modification process, the Authority may elect to use such process. Any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

NEW SECTION

**SWAPCA 401-610 Permit duration.**

The Authority shall issue permits for a fixed term of five years.

NEW SECTION

**SWAPCA 401-615 Monitoring and related recordkeeping and reporting requirements.**

(1) **Monitoring.** Each permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 504(b) or 114 (a)(3) of the FCAA;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve

as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection (3) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) **Recordkeeping.** With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

(i) The date and place as defined in the permit, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions existing at the time of sampling or measurement;

(b) A record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(c) Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) **Reporting.** With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) Submittal of reports of any required monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with SWAPCA 401-520.

(b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible. Other deviations shall be reported as part of the routine reporting requirements under (a) of this subsection or applicable requirements.

NEW SECTION

**SWAPCA 401-620 Standard terms and conditions.**

(1) **Acid rain.** Each permit for an affected source shall contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the FCAA or the regulations promulgated thereunder.

(a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision under any other applicable requirement.

(b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the FCAA and in effect on June 15, 1993.

(2) **Standard provisions.** Each permit shall include the following standard provisions:

(a) **Duty to comply.** The permittee must comply with all conditions of the SWAPCA 401 permit. Any permit noncompliance constitutes a violation of Chapter 70.94 RCW and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(c) **Permit actions.** The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(d) **Property rights.** The permit does not convey any property rights of any sort, or any exclusive privilege.

(e) **Duty to provide information.** The permittee shall furnish to the Authority, within a reasonable time, any information that the Authority may request in writing to determine whether the cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may also furnish such records directly to the Administrator along with a claim of confidentiality. The Authority shall maintain confidentiality of such information in accordance with RCW 70.94.205.

(f) **Permit fees.** The permittee shall pay fees as a condition of this permit in accordance with the Authority's fee schedule. Failure to pay fees in a timely fashion shall subject the permittee to civil and criminal penalties as prescribed in Chapter 70.94 RCW.

(g) **Emissions trading.** No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.

(h) **Severability.** If any provision of the permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable.

(i) **Permit appeals.** The permit or any conditions in it may be appealed only by filing an appeal with the Pollution Control Hearings Board and serving it on the Authority within thirty days of receipt pursuant to RCW 43.21B.310.

This provision for appeal in this section is separate from and additional to any federal rights to petition and review under § 505(b) of the FCAA.

(j) **Permit continuation.** The permit and all terms and conditions contained therein shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to SWAPCA 401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted.

### WSR 93-10-076

#### PROPOSED RULES

#### SOUTHWEST AIR

#### POLLUTION CONTROL AUTHORITY

[Filed May 4, 1993, 11:03 a.m.]

Original Notice.

Title of Rule: Adding SWAPCA 401 Operating Permit Regulation.

Purpose: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA.

Other Identifying Information: SWAPCA 401-625 is Federally Enforceable Requirements; SWAPCA 401-630 is Compliance Requirements. SWAPCA 401-635 is Temporary Sources; SWAPCA 401-640 is Permit Shield; SWAPCA 401-645 is Emergency Provision; SWAPCA 401-650 is Operational Flexibility; SWAPCA 401-700 is Action on Application; SWAPCA 401-705 is Requirement for a Permit; SWAPCA 401-710 is Permit Renewal and Expiration; SWAPCA 401-720 is Administrative Permit Amendments; SWAPCA 401-722 is Changes Not Requiring Permit Revisions; and SWAPCA 401-725 is Permit Modification.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.161.

Summary: This is a new section which implements the Operating Permit Program required by the Washington Clean Air Act. The requirements in this regulation are substantially the same as those being proposed by the Washington Department of Ecology. These regulations may be included in the Washington State Implementation Plan.

Reasons Supporting Proposal: Regulations need to be adopted by the Southwest Air Pollution Control Authority to receive delegation for the Operating Permit Program under Title V of the 1990 Federal Clean Air Act.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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



Explanation of Rule, its Purpose, and Anticipated Effects: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA. It implements new requirements for major sources for air pollution control within the jurisdiction of the Southwest Air Pollution Control Authority.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993

Robert D. Elliott  
Executive Director

NEW SECTION

**SWAPCA 401-625 Federally enforceable requirements.**

(1) **Federal enforceability.** All terms and conditions in a SWAPCA 401 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the FCAA.

(2) **Exceptions.** Notwithstanding subsection (1) of this section, the Authority shall specifically designate as not being federally enforceable under the FCAA any terms and conditions included in the permit that are not required under the FCAA or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of SWAPCA 401-810.

NEW SECTION

**SWAPCA 401-630 Compliance requirements.**

(1) **General.** Consistent with SWAPCA 401-615, all SWAPCA 401 permits shall contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a SWAPCA 401 permit shall contain a certification by a responsible official that meets the requirements of SWAPCA 401-520.

(2) **Inspection and entry.** Each permit shall contain inspection and entry requirements that require, that upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Authority or an authorized representative to perform the following:

(a) Enter upon the permittee's premises where a SWAPCA 401 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment),

practices, or operations regulated or required under the permit; and

(d) As authorized by SWAPCA 400-105 and the FCAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(3) **Schedule of compliance.** Each permit shall contain a schedule of compliance consistent with SWAPCA 401-510 (2)(h)(iii).

(4) **Progress reports.** For those sources required to have a schedule of compliance to remedy a violation, the permit shall require progress reports consistent with an applicable schedule of compliance and SWAPCA 401-510 (2)(i)(iv) to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the Authority. Such progress reports shall contain the following:

(a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

(b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(5) **Compliance certification.** Each permit shall contain requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(a) A requirement that compliance certifications be submitted once per year. The Authority may require that compliance certifications be submitted more frequently for those emission units not in compliance with permit terms and conditions or where more frequent certification is specified in the applicable requirement;

(b) In accordance with SWAPCA 401-615(1), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(c) A requirement that the compliance certification include the following:

(i) The identification of each term or condition of the permit that is the basis of the certification;

(ii) The compliance status;

(iii) Whether compliance was continuous or intermittent;

(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with SWAPCA 173-401-615 (3)(a); and

(v) Such other facts as the Authority may require to determine the compliance status of the source.

(d) A requirement that all compliance certifications be submitted to the Administrator as well as to the Authority; and

(e) Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the FCAA.

NEW SECTION

**SWAPCA 401-635 Temporary sources.**

The Authority may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation



must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:

- (1) Conditions that will assure compliance with all applicable requirements at all authorized locations;
- (2) Requirements that the owner or operator notify the Authority at least ten days in advance of each change in location; and
- (3) Conditions that assure compliance with all other provisions in SWAPCA 401-600 through 401-650.

#### NEW SECTION

##### **SWAPCA 401-640 Permit shield.**

(1) **Shield requirement.** Except as provided in this section, the Authority shall expressly include in a SWAPCA 401 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- (a) Such applicable requirements are included and are specifically identified in the permit; or
- (b) The Authority, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) **Omissions.** A SWAPCA 401 permit that does not expressly state that a permit shield extends to specific applicable requirements shall be presumed not to provide such a shield for those requirements.

(3) **Exclusions.** Nothing in this section or in any SWAPCA 401 permit shall alter or affect the following:

- (a) The provisions of section 303 of the FCAA (emergency orders), including the authority of the Administrator under that section;
- (b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- (c) The applicable requirements of the Acid Rain Program, consistent with section 408(a) of the FCAA;
- (d) The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA; or
- (e) The ability of the Authority to establish or revise requirements for the use of reasonably available control technology (RACT) as defined in RCW 70.94.030.

#### NEW SECTION

##### **SWAPCA 401-645 Emergency provision.**

(1) **Definition.** An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equip-

ment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) **Effect of an emergency.** An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of subsection (3) of this section are met.

(3) **Criteria.** The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) The permitted facility was at the time being properly operated;
- (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(d) The permittee submitted notice of the emergency to the Authority within two working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of SWAPCA 401-615 (3)(b). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) **Burden of proof.** In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) **Relationship to other rules.** This provision is in addition to any emergency or upset provision contained in any applicable requirement.

#### NEW SECTION

##### **SWAPCA 401-650 Operational flexibility.**

(1) **Reasonably anticipated operating scenarios.** Each permit shall contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Authority. Such terms and conditions:

- (a) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
- (b) Shall extend the permit shield described in SWAPCA 401-640 to all terms and conditions under each such operating scenario;
- (c) Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this regulation; and
- (d) May require the source to notify the Authority when the source will shift from one specified operating scenario to another such scenario.

(2) **Emissions trading.** Each permit shall contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

- (a) Shall include all terms required under SWAPCA 401-600 through 401-640 to determine compliance;

(b) May extend the permit shield described in SWAPCA 401-640 to all terms and conditions that allow such increases and decreases in emissions;

(c) Shall meet all applicable requirements and requirements of this regulation; and

(d) May require the source to notify the Authority when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

#### NEW SECTION

#### **SWAPCA 401-700 Action on application.**

(1) **Conditions.** A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

(a) The Authority has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under SWAPCA 401-750;

(b) The permit has been reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority;

(c) The Authority has complied with the requirements for public participation under SWAPCA 401-800 and has prepared a response to comments from interested parties prior to the time that the proposed permit is submitted to the EPA for review;

(d) The Authority has complied with the requirements for notifying and responding to affected states under SWAPCA 401-820;

(e) The conditions of the permit provide for compliance with all applicable requirements and the requirements of this section;

(f) The Administrator has received a copy of the proposed permit and any notices required under SWAPCA 401-810 and 401-820, and has not objected in writing to issuance of the permit within forty-five days of receipt of the proposed permit and all necessary supporting information; and

(g) Whenever EPA objects to issuance of a permit, the Authority shall within seven days of receipt of EPA's objection, send the permit applicant a copy of the objection and any statement received from EPA pursuant to 40 CFR 70.8(c)(2). In these instances, the Authority shall not issue the permit unless the permittee consents to the changes required by the EPA.

(2) **Deadlines.** Except as provided in subsections (1)(g), (3), and (4) of this section or under regulations promulgated under Title IV or Title V of the FCAA for the permitting of affected sources under the Acid Rain Program, the Authority shall take final action on each permit application (including a request for permit modification or renewal) within eighteen months of receiving a complete application.

(3) **Transition plan.** The Authority shall take final action on at least one-third of all Operating Permit applications from SWAPCA 401 sources for which the Authority has jurisdiction annually over a period not to exceed three years after the effective date of the Authority's program.

(4) **Early reduction submittals.** The Authority shall take final action on a complete permit application containing an early reduction demonstration under section 112(i)(5) of the FCAA within nine months of receiving the complete application.

(5) **Notice of Construction applications.** The Authority shall ensure priority is given to taking action on applications for construction or modification under Title I, Parts C and D of the FCAA.

(6) **Completeness.** The Authority shall promptly provide notice to the applicant of whether the application is complete. Unless the Authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of an application, the application shall be deemed complete. For modifications processed through minor permit modification procedures, such as those in SWAPCA 401-725 (2)(a) and (3), the Authority is not required to provide a completeness determination.

(7) **Statement of basis.** The Authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Authority shall send this statement to EPA and to any other person who requests it.

(8) **Preconstruction approval.** The submittal of a complete application shall not affect any requirement of a source to have a preconstruction permit under Title I of the FCAA or a Notice of Construction approval under RCW 70.94.152.

#### NEW SECTION

#### **SWAPCA 401-705 Requirement for a permit.**

(1) **Requirement for a permit.** Except as provided in subsection (2) of this section, SWAPCA 401-722 and 401-725, no SWAPCA 401 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under a SWAPCA 401 program.

(2) **Application shield.** If a SWAPCA 401 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a SWAPCA 401 permit is not a violation of this section until the Authority takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to SWAPCA 401-700(6), the applicant fails to submit by the deadline specified in writing by the Authority any additional information identified as being needed to process the application.

#### NEW SECTION

#### **SWAPCA 401-710 Permit renewal and expiration.**

(1) **Renewal application.** The source shall submit a complete permit renewal application to the Authority no later than the date established in the permit. This date shall be no less than six months prior to the expiration of the permit. The Authority may specify a longer time period in writing to the permitted source at least one year before the application due date already established in the permit to ensure that

the terms of the permit will not lapse before the permit is renewed. In no event shall this time period be greater than eighteen months. The Authority shall send a permit application to each source at least six months before a complete application is due.

(2) **Permit issuance.** Permits being renewed are subject to the same procedural requirements, including those for public participation, affected state and EPA review, that apply to initial permit issuance.

(3) **Expired permits.** Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with subsection (1) of this section and SWAPCA 401-500. All terms and conditions of the permit shall remain in effect after the permit itself expires if a timely and complete permit application has been submitted.

(4) **Revocation of permits.** The Authority shall provide at least thirty days written notice to the holder of a current Operating Permit prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the action and afford the permittee/applicant an opportunity to meet with the Authority prior to the Authority's final decision. Nothing in this subsection shall limit the Authority's ability to issue emergency orders.

#### NEW SECTION

#### **SWAPCA 401-720 Administrative permit amendments.**

(1) **Definition.** An "administrative permit amendment" is a permit revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (c) Requires more frequent monitoring or reporting by the permittee;
- (d) Allows for a change in ownership or operational control of a source where the Authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Authority;
- (e) Incorporates into the SWAPCA 401 permit the terms, conditions, and provisions from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of SWAPCA 401-700, 401-725, and 401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in SWAPCA 401-600 through 401-650.

(2) **Acid rain provisions.** Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the FCAA and in effect on June 15, 1993.

(3) **Administrative permit amendment procedures.** An administrative permit amendment may be made by the Authority consistent with the following:

(a) The Authority shall take no more than sixty days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.

(b) The Authority shall submit a copy of the revised permit to the Administrator.

(c) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(4) **Permit shield.** The Authority may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in SWAPCA 401-640 for administrative permit amendments made pursuant to this section which meet the relevant requirements for significant permit modifications in SWAPCA 401-600 through 401-650, 401-725, and 401-800 through 401-820.

#### NEW SECTION

#### **SWAPCA 401-722 Changes not requiring permit revisions.**

##### (1) **General.**

(a) A SWAPCA 401 source is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:

- (i) The proposed changes are not modifications as defined in SWAPCA 400-030;
- (ii) The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
- (iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and
- (iv) The facility provides the Administrator and the Authority with written notification at least seven days prior to making the proposed changes.

(b) Permit attachments. The source and Authority shall attach each notice to their copy of the relevant permit.

(2) **Section 502(6)(10) changes.** Pursuant to the conditions in subsection (1) of this section, a SWAPCA 401 source is authorized to make Section 502(b)(10) of the FCAA changes (as defined in SWAPCA 401-200(30)) without a permit revision.

(a) For each such change, the written notification required under subsection (1)(a)(iv) of this section shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(b) The permit shield authorized under SWAPCA 401-640 shall not apply to any change made pursuant to this paragraph.

(3) **SIP authorized emissions trading.** Pursuant to the conditions in subsection (1) of this section, a SWAPCA 401 source is authorized to trade increases and decreases in emissions in the permitted facility, where the Washington State Implementation Plan provides for such emissions trades

without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

(a) Under this subsection (3), the written notification required under subsection (1)(a)(iii) of this section shall include such information as may be required by the provision in the Washington State Implementation Plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the Washington State Implementation Plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the Washington State Implementation Plan and that provide for the emissions trade.

(b) The permit shield described in SWAPCA 401-640 shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the Washington State Implementation Plan authorizing the emissions trade.

(4) **Emission caps.** Upon the request of the permit applicant, the Authority shall issue permits that contain terms and conditions, including all terms required under SWAPCA 401-600 through 401-650 to determine compliance, allowing for the trading of emissions increases and decreases in the SWAPCA 401 source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The emissions trading provisions shall not be applied to any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(a) Under this paragraph, the written notification required under subsection (1)(a)(iii) of this section shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in SWAPCA 401-640 shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) **Off-permit changes.** The source shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions, and the Authority has not objected to such changes. Any change that increases emissions above those allowed in the permit, that is a Title I modification, that is a modification or reconstruction under sections 110, 111, or 112 of the FCAA, or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

(a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(b) Sources must provide contemporaneous written notice to the Authority and EPA of each such change, except for changes that qualify as insignificant under the provisions adopted pursuant to SWAPCA 401-510. Such written notice shall describe each such change, including the requirement that would apply as a result of the change.

(c) The change shall not qualify for the shield under SWAPCA 401-640.

#### NEW SECTION

#### **SWAPCA 401-725 Permit modification.**

(1) **Definition.** A permit modification is any revision to a SWAPCA 401 permit that cannot be accomplished under provisions for administrative permit amendments under SWAPCA 401-720. A permit modification for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the FCAA and in effect on June 15, 1993.

##### (2) **Minor permit modification procedures.**

###### (a) **Criteria.**

(i) Minor permit modification procedures may be used only for those permit modifications that:

(A) Do not violate any applicable requirement;

(B) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements or other permit terms or conditions that are necessary to enforce limitations on emissions from units covered by the permit;

(C) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(D) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(I) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and

(II) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the FCAA;

(E) Are not modifications under any provision of Title I of the FCAA; and

(F) Are not required by the Authority to be processed as a significant modification.

(ii) Notwithstanding (a)(i) of this subsection, the Authority may allow the use of minor permit modification procedures for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the use of such minor permit modification procedures are explicitly provided for in the Washington State Implementation Plan or in applicable requirements promulgated by EPA and in effect on June 15, 1993.

(b) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of SWAPCA 401-510 and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official, consistent with SWAPCA 401-520, the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(iv) Completed forms for the Authority to use to notify the Administrator and affected states as required under SWAPCA 401-810 and 401-820.

(c) EPA and affected state notification. Within five working days of receipt of a complete permit modification application, the Authority shall meet its obligation under SWAPCA 401-810 and 401-820 to notify the Administrator and affected states of the requested permit modification. The Authority promptly shall send any notice required under SWAPCA 401-810 to the Administrator.

(d) Notice requirements. Concurrent with the notice to the Administrator and affected states, the Authority shall submit to the *Ecology Permit Register* notice of each proposed minor permit modification. Publication in the next available issue of the *Ecology Permit Register* will signal the beginning of a public comment period of at least twenty-one days. Each notice must describe the proposed revisions and specify the earliest date on which the public can submit to the Administrator a petition to object under 40 CFR 70.8(d).

(e) Timetable for issuance. The Authority may not issue a final permit modification until after the public comment period ends. The Authority may not issue a final permit modification until after EPA's forty-five day review period or until EPA has notified the Authority that EPA will not object to issuance of the permit modification, whichever is first, although the Authority can approve the permit modification prior to that time. Within ninety days of the Authority's receipt of an application under minor permit modification procedures or fifteen days after the end of the Administrator's forty-five day review period under SWAPCA 401-810, whichever is later, the Authority shall:

(i) Issue the permit modification as proposed;

(ii) Deny the permit modification application;

(iii) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(iv) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by SWAPCA 401-810.

(f) Source's ability to make changes. The Authority may allow the source to make the change proposed in its minor permit modification application immediately after it files such application provided that those changes requiring the submissions of a Notice of Construction application have been reviewed and approved by the Authority. After the source makes the change allowed by the preceding sentence, and until the Authority takes any of the actions specified in (d) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time

period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(g) Permit shield. The permit shield under SWAPCA 401-640 shall not extend to minor permit modifications.

(3) **Group processing of minor permit modifications.** Consistent with this subsection, the Authority may process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(a) Criteria. Group processing of modifications may be used only for those permit modifications:

(i) That meet the criteria for minor permit modification procedures under subsection (2)(a) of this section; and

(ii) That collectively are below ten percent of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty percent of the applicable definition of major source in SWAPCA 401-200, or five tons per year, whichever is least.

(b) Application. An application requesting the use of group processing procedures shall meet the requirements of SWAPCA 401-510 and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official, consistent with SWAPCA 401-520, of the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

(iv) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under (a)(ii) of this subsection;

(v) Certification, consistent with SWAPCA 401-520, that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification; and

(vi) Completed forms for the Authority to use to notify the Administrator and affected states as required under SWAPCA 401-810 and 401-820.

(c) EPA and affected state notification. On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under (a)(ii) of this subsection, whichever is earlier, the Authority promptly shall meet its obligation under paragraphs SWAPCA 401-810 and 401-820 to notify the Administrator and affected states of the requested permit modifications. The Authority shall send any notice required under SWAPCA 401-810 to the Administrator.

(d) Notice of requirements. Concurrent with the notice to the Administrator and affected states, the Authority shall submit to the *Ecology Permit Register* notice of group processing of minor permit modifications. Publication in the next available issue of the *Ecology Permit Register* will signal the beginning of a public comment period of at least twenty-one days. Each notice must describe the proposed revisions and specify the earliest date on which the public

can submit to the Administrator a petition to object under 40 CFR 70.8(d).

(e) Timetable for issuance. The provisions of subsection (2)(e) of this section shall apply to modifications eligible for group processing, except that the Authority shall take one of the actions specified in subsection (2)(e) of this section within one hundred eighty days of receipt of the application or fifteen days after the end of the Administrator's forty-five day review period, whichever is later.

(f) Source's ability to make changes. The provisions of subsection (2)(f) of this section shall apply to modifications eligible for group processing.

(g) Permit shield. The permit shield under SWAPCA 401-640 shall not extend to minor permit modifications.

(4) Significant modification procedures.

(a) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative permit amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this section that would render existing permit compliance terms and conditions irrelevant.

(b) Significant permit modifications shall meet all requirements of this regulation, including those for applications, public participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal. The Authority shall implement this review process to complete review on the majority of significant permit modifications within nine months after receipt of a complete application.

**WSR 93-10-077**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:04 a.m.]

Original Notice.

Title of Rule: Adding SWAPCA 401 Operating Permit Regulation.

Purpose: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA.

Other Identifying Information: SWAPCA 401-730 is Reopening for cause; SWAPCA 401-735 is Permit Appeals; SWAPCA 401-740 is Action For Opting Out of the Operating Permit Program; SWAPCA 401-750 is General Permits; SWAPCA 401-800 is Public Involvement; SWAPCA 401-805 is Permit Register; SWAPCA 401-810 is Transmission of Information to the Administrator; SWAPCA 401-820 is Review by Affected States; and SWAPCA 401-900 is Fee Determination and Certification.

Statutory Authority for Adoption: Chapter 70.94 RCW.  
 Statute Being Implemented: RCW 70.94.161.

Summary: This is a new section which implements the Operating Permit Program required by the Washington Clean Air Act. The requirements in this regulation are substantially the same as those being proposed by the Washington Department of Ecology. These regulations may be included in the Washington State Implementation Plan.

Reasons Supporting Proposal: Regulations need to be adopted by the Southwest Air Pollution Control Authority to receive delegation for the Operating Permit Program under Title V of the 1990 Federal Clean Air Act.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt regulations for the Operating Permit Program as mandated under 1991 Washington Clean Air Act. The purpose of this adoption is to obtain delegation of the Operating Permit Program from the Washington Department of Ecology and U.S. EPA. It implements new requirements for major sources for air pollution control within the jurisdiction of the Southwest Air Pollution Control Authority. SWAPCA 401-900 is an additional section from that proposed by Washington Department of Ecology. This section provides specific regulations for assessment of fees for administering the Operating Permit Program for the Southwest Air Pollution Control Authority.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
 Robert D. Elliott  
 Executive Director

NEW SECTION

**SWAPCA 401-730 Reopening for cause.**

(1) **Standard provisions.** Each issued permit shall include provisions stating that the permit shall be reopened and revised under any of the following circumstances:

(a) Additional applicable requirements become applicable to a SWAPCA 401 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit

or any of its terms and conditions have been extended pursuant to SWAPCA 401-620 (2)(j);

(b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(c) The Authority or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(d) The Administrator or the Authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) **Procedures.** Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) **Notice.** Reopenings under this section shall not be initiated before a notice of such intent is provided to the SWAPCA 401 source by the Authority at least thirty days in advance of the date that the permit is to be reopened, except that the Authority may provide a shorter time period in the case of an emergency.

#### NEW SECTION

##### **SWAPCA 401-735 Permit appeals.**

A decision to issue or to deny a final permit, or the terms or conditions of such a permit, may be appealed to the Pollution Control Hearings Board under Chapter 43.21B RCW and RCW 70.94.161(9). Any appealable decision or determination shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed by filing an appeal with the Pollution Control Hearings Board and serving the appeal on the Authority within thirty days of receipt, pursuant to RCW 43.21B.310. The provision for appeal in this section is separate from and additional to any federal rights to petition and review under section 505(b) of the FCAA.

#### NEW SECTION

##### **SWAPCA 401-740 Procedures for opting out of the operating permit program.**

(reserved)

#### NEW SECTION

##### **SWAPCA 401-750 General permits.**

(1) **Permit issuance.** The Authority may, after notice and opportunity for public participation provided under SWAPCA 401-800, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other SWAPCA 401 permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Authority shall grant the conditions and terms of the general permit. Notwithstanding the shield provisions of SWAPCA 401-640,

the source shall be subject to enforcement action for operation without a SWAPCA 401 permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be authorized for affected sources under the Acid Rain Program unless otherwise provided in regulations promulgated under Title IV of the FCAA and in effect on June 15, 1993.

(2) **Applications.** SWAPCA 401 sources that would qualify for a general permit must apply to the Authority for coverage under the terms of the general permit or must apply for a SWAPCA 401 permit consistent with SWAPCA 401-500. The Authority may, in the general permit, provide for applications which deviate from the requirements of SWAPCA 401-510, provided that such applications meet the requirements of this section, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under SWAPCA 401-800, the Authority may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

(3) **Renewal.** General permits being renewed are subject to the same procedural requirements, including public participation, that apply to initial permit issuance. If the general permit is renewed without change, sources covered by the general permit do not need to submit new applications to operate under the authority of the general permit.

#### NEW SECTION

##### **SWAPCA 401-800 Public involvement.**

(1) **Purpose.** It is the Authority's goal to ensure that accurate permitting information is made available to the public in a timely manner. The Authority is responsible for providing notice of permitting actions for SWAPCA 401 sources that allows sufficient time for comment and for providing enough information to inform the public of the extent of the actions proposed. These public involvement regulations establish a process to be followed by the Authority.

##### (2) **Public notice.**

(a) The Authority shall provide public notice for the following actions:

- (i) Issuance of a draft permit;
- (ii) Intended denial of a permit application;
- (iii) Issuance of a draft permit modification;
- (iv) Issuance of a draft general permit;
- (v) Scheduling of a public hearing under subsection (4) of this section; and

(vi) Any other related activities that the Authority considers to involve substantial public interest.

(b) Public notice shall be provided by the Authority in the newspaper of largest general circulation in the area of the facility applying for a permit. Publication includes paid advertisement, legal notice, or other appropriate format, as determined by the Authority. The Authority may provide additional notice to the public through other methods, such as newsletters and press releases. Notice shall also be published in the Ecology Permit Register. The Authority shall send information on any action requiring publication in



the Ecology Permit Register to Ecology within three days of the action.

(c) Notice of the activities described in (a) of this subsection shall also be provided to persons requesting to receive notice. The Authority shall maintain a mailing list of persons requesting notice, and may maintain more than one list, such as lists based on geographical location. No request shall require the extension of the comment period associated with the notice. The Authority may from time to time inform the public of the opportunity to be on the list and may also delete from the list persons who fail to respond to an inquiry of continued interest in receiving the notices.

(d) Public notice and notice for those requesting notice must include:

(i) Name and address of the Authority;

(ii) Name and address of the permit applicant, and if different, the name and address of the facility or activity regulated by the permit, unless it is a general permit;

(iii) A brief description of the business conducted at the facility or activity involved in the permit action;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information such as copies of the draft permit, the application, and relevant supporting materials;

(v) A brief description of the comment procedures, including the procedures to request a hearing, and the time and place of any hearings scheduled for the permit; and

(vi) A description of the emission change involved in any permit modification.

(e) The Authority must make available for public inspection, in at least one location near the proposed project, all nonproprietary information contained in the permit application, draft permit and supporting materials. Public inspections of materials for nonstationary sources or general permits may be located at the discretion of the Authority.

(3) **Public comment.** Except as otherwise provided in SWAPCA 401-725, the Authority shall provide a minimum of thirty days for public comment draft permits, modifications, and renewals. This comment period begins on the date of publication of notice in the *Ecology Permit Register* or publication in the newspaper of largest general circulation in the area of the facility applying for the permit, whichever is later. No proposed permit shall be issued until the public comment period has ended and the Authority has prepared a response to the comments received.

(4) **Public hearings.** The Authority shall provide a public hearing if, on the basis of written requests received within the public comment period, the Authority determines that material issues have been raised with respect to the terms and conditions of a permit. However, if the Authority determines that the permitting action is of significant public interest, the Authority may hold a public hearing. In such instances, public notice of the hearing may be combined with the public notice of the draft permit.

(5) **Fact sheets.** The Authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Authority shall send this statement to the Administrator and to any other person who requests it.

(6) **Records.** The Authority shall keep a record of the comments and issues raised during the public participation process. Such records shall be available to the public.

#### NEW SECTION

##### **SWAPCA 401-805 Permit register.**

(1) **Permit register.** The Authority shall assist Ecology in regularly publishing and maintaining a permit register that will be distributed to all interested parties that request to be on the mailing list. The Authority will work to ensure the information published in the register is timely.

(2) **Content.** Besides the actions listed in SWAPCA 401-800(2), the register will give notice of the following, as pertains to sources covered under this rule:

(a) Public meetings or hearings on a draft operating permit;

(b) Receipt of permit applications;

(c) Issuance of enforcement orders;

(d) Permit appeals to the Pollution Control Hearings Board;

(e) Any petition granted or denied by EPA as provided under Section 505(b) of the FCAA;

(f) Issuance of temporary source permits;

(g) Transmittal of proposed permits, permit modifications, or renewals to the EPA;

(h) Issuance or denial of final permit, permit modifications, or renewals;

(i) Authorization for a source to operate without an operating permit by limiting actual emissions to levels below those that would make the source subject to the requirement to obtain an operating permit; and

(j) Changes made without revising the permit pursuant to SWAPCA 401-722.

(3) **Mailing list.** Ecology shall periodically notify the public of the opportunity to be put on the mailing list for the *Ecology Permit Register*.

#### NEW SECTION

##### **SWAPCA 401-810 Transmission of information to the Administrator.**

(1) **Information transfer.** The Authority shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final SWAPCA 401 permit. The applicant may be required by the Authority to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement with the Administrator, the Authority may submit to the Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable format compatible with EPA's national data base management system.

(2) **Records.** Each Authority shall keep for five years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the Authority's program complies with the requirements of the FCAA or of 40 CFR Part 70.



NEW SECTION**SWAPCA 401-820 Review by affected states.**

(1) **Notice.** The Authority shall give notice of each draft permit to any affected state on or before the time that the Authority provides this or permit revision notice to the public under SWAPCA 401-800 and 401-805, except to the extent SWAPCA 401-725 (2) or (3) requires the timing of the notice to be different.

(2) **Response.** The Authority, as part of the submittal of the proposed permit to the Administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under SWAPCA 401-725 (2) and (3), shall notify the Administrator and any affected state in writing of any refusal by the Authority to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period. The notice shall include the Authority's reasons for not accepting any such recommendation. The Authority is not required to accept recommendations that are not based on applicable requirements or the requirements of this section.

NEW SECTION**SWAPCA 401-900 Fee determination and certification.**

(1) **Applicability.** The owner or operator of all sources subject to the requirement to obtain an Operating Permit under SWAPCA 401 shall pay an annual fee, or the equivalent over some other period as approved subject to the discretion of the Control Officer, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program requirements as specified in this section.

**(2) Pollutants for which fees will be assessed.**

(a) A volatile organic compound.

(b) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.

(c) Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference.  $PM_{10}$  emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the SWAPCA 401 source. Source test data is required to demonstrate the  $PM_{10}$  portion of total particulate matter emissions.

(d) Emissions of each regulated pollutant emitted in excess of 7500 tons from a source shall be excluded from fee assessment.

(3) **Program cost projections.** The Authority shall prepare an Operating Permit Program budget each year based on projected workload evaluation. This projected budget shall be submitted to the Authority's Technical Advisory Committee for comments. The Technical Advisory Committee shall be given an opportunity to provide input regarding the projected budget. The Control Officer shall evaluate all comments and revise the projected budget where deemed appropriate. After consideration of the comments, the Control Officer shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine the Operating Permit Program fees.

(4) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three part fee assessment methodology as described below:

(a) **Participation Fee.** Fees sufficient to cover one-third of the Board approved Operating Permit Program budget shall be assessed such that each source shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of SWAPCA 401 sources within the Authority's jurisdiction. Participation fees shall be equal in amount for each SWAPCA 401 source. The participation portion of the fee shall be assessed according to the following formula:

$$PF = B \div 3 \div n, \text{ where;}$$

PF = Participation fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

n = The number of SWAPCA 401 sources.

(b) **Emissions Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each source shall pay an amount equal to that source's portion of the total annual emissions of the fee applicable pollutants from all SWAPCA 401 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all SWAPCA 401 sources within the Authority's jurisdiction shall be paid by the owner or operator of each source. The emissions portion of the fee shall be assessed according to the following formula:

$$EF = B \div 3 * SE \div TE, \text{ where:}$$

EF = Emissions fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

SE = The sum of annual emissions of fee applicable pollutants in tons per year from the individual SWAPCA 401 source;

TE = The sum of annual emissions of fee applicable pollutants in tons per year from all SWAPCA 401 sources.

(c) **Complexity Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each SWAPCA 401 source shall pay an amount equal to that source's portion of the total emissions units at all SWAPCA 401 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's emissions units to the total number of emissions units located at all SWAPCA 401 sources within the Authority's jurisdiction shall be paid by the owner or operator of each source. The complexity portion of the fee shall be assessed according to the following formula:

$$CF = B \div 3 * SU \div TU, \text{ where:}$$

CF = Complexity fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

SU = The number of emission units at a source;

TU = The number of emissions units at all SWAPCA 401 sources.

(d) **Total Fee:** The amount of the annual assessed fees for each SWAPCA 401 source shall be the sum of the

participation, emissions and complexity fee portions (PF+EF+CF = Total Fee). The sum of the total fees for all SWAPCA 401 sources within the Authority's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.

**(5) Accountability.**

(a) The sum of the fees assessed by the Authority to all sources required to obtain Operating Permits within the Authority's jurisdiction shall not exceed the cost of developing and administering the program.

(b) The Authority shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in SWAPCA 401. This information shall be used by the Authority to develop the Operating Permit Program budget specified in section (3) above.

(c) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

**WSR 93-10-078  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:05 a.m.]

**Original Notice.**

**Title of Rule:** Repealing Section 400-075 Emission standards for sources emitting hazardous air pollutants, Section 400-115 Bubble rules, and Section 400-135 Standards of performance for new sources; and adding SWAPCA 400-075 Emission standards for sources emitting hazardous air pollutants and SWAPCA 400-115 Standards of performance for new sources.

**Purpose:** To adopt regulations to bring the Southwest Air Pollution Control Authority's regulations to be consistent with the hazardous air pollution requirements of 40 CFR Part 61 and the new source performance standards of 40 CFR Part 60.

**Statutory Authority for Adoption:** Chapter 70.94 RCW.  
**Statute Being Implemented:** RCW 70.94.161.

**Summary:** Three sections are being repealed and two new sections added to provide conformity with the regulations being proposed by the Washington Department of Ecology. These regulations may be included in the Washington State Implementation Plan.

**Reasons Supporting Proposal:** Sections 400-075, 400-115, and 400-135 do not presently comply with current versions of the hazardous air pollutant standards and new source performance standards. Two new sections are proposed to provide conformity with current federal regulations.

**Name of Agency Personnel Responsible for Drafting:** Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058;  
**Implementation:** Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA,

(206) 574-3058; and **Enforcement:** Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The purpose of this adoption is to obtain updated delegation for enforcement of the New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants. It also provides a more uniform numbering system consistent with that used by Washington Department of Ecology.

**Proposal Changes the Following Existing Rules:** This proposal repeals the existing Section 400-075 regulation in its entirety and proposes a new section SWAPCA 400-075 because of the substantial differences in the language and terminology of the existing section. The new section will be substantially the same as the regulations being proposed by the Washington Department of Ecology under a similar section. This proposal also repeals the existing Section 400-115 Bubble rules in order to rearrange the authority's regulation number system. Section 400-135 Standards of performance for new sources is renumbered and proposed as new section SWAPCA 400-115 Standards for performance for new sources, to identify the most current list of sources in this category. This new section will be substantially the same as the regulations being proposed by the Washington Department of Ecology. New sections were necessary because of substantial word changes between existing regulation and the proposed regulation and conflicts with the existing regulation format of the Southwest Air Pollution Control Authority.

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

**Hearing Location:** City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

**Submit Written Comments to:** Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

**Date of Intended Adoption:** June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

**REPEALER**

Section 400-075 Emission standards for sources emitting hazardous air pollutants

**NEW SECTION**

**SWAPCA 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 (USEPA) as in effect February 16, 1993, 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 the

Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

- (2) 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 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 shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as in effect February 16, 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.

**REPEALER**

Section 400-115 Bubble Rules

**REPEALER**

Section 400-135 Standards of Performance for New Sources

**NEW SECTION**

**SWAPCA 400-115 Standards of performance for new sources.**

Title 40, Code of Federal Regulations, Part 60 (Standards of Performance for New Sources), as 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 the Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

As of 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
- Subpart Z Ferroalloy production facilities
- Subpart AA Steel plants: Electric arc furnaces
- Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels
- 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 battery plants
- 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 Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC)
- Subpart WW Beverage can surface coating operations
- Subpart XX Bulk gasoline terminals
- Subpart AAA New residential wood heaters
- Subpart BBB Rubber tire manufacturing industry
- Subpart DDD VOC emissions from the polymer manufacturing industry
- 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 VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes
- Subpart JJJ Petroleum dry cleaners
- Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants
- Subpart LLL Onshore natural gas processing; SO<sub>2</sub> emissions
- Subpart NNN VOC emissions from Synthetic Organic Chemical Manufacturing Industry distillation operations
- Subpart PPP Wool fiberglass insulation manufacturing plants
- Subpart QQQ VOC emissions from petroleum refinery wastewater emissions
- Subpart SSS Magnetic tape coating facilities
- Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines
- Subpart VVV Polymeric coating of supporting substrates facilities

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

**WSR 93-10-079**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**  
 [Filed May 4, 1993, 11:06 a.m.]

Original Notice.

Title of Rule: Amending Section 400-030 of the General Regulations for Air Pollution Sources of the Southwest Air Pollution Control Authority.

Purpose: To amend the definitions section of the regulation to provide consistency between definitions used in

federal, state and local regulations and to change the title of the definition section from "Section 400-030" to "SWAPCA 400-030."

Other Identifying Information: Section 400-030 is Definitions.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Two definitions are being deleted, several definitions are being added and several definitions are being modified to maintain consistency with changes resulting from the Federal Clean Air Act and Washington Clean Air Act.

Reasons Supporting Proposal: The amended regulation will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended regulation will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Proposal Changes the Following Existing Rules: Proposal would amend Section 400-030, Definitions. Where existing definitions were in conflict with federal and state definitions, appropriate modifications were made to provide conformity. In addition, the definition section has been changed from "Section 400-030 Definitions" to "SWAPCA 400-030 Definitions" for consistency. The definitions have been renumbered accordingly. The amended definitions section will be substantially the same as the regulations being proposed by the Washington Department of Ecology under a similar section. Amending was necessary as a result of substantial language changes between existing regulations and the Department of Ecology proposed regulations. Lastly, the existing regulation format of the Southwest Air Pollution Control Authority was inconsistent with the proposed Department of Ecology regulations.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
 Robert D. Elliott  
 Executive Director

~~((2))~~(3)

"Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under WAC 173-460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established and volatile organic compounds. "Air pollutant" means the same as "air contaminant."

PROPOSED

AMENDATORY SECTION

~~((Section))~~ SWAPCA 400-030 Definitions.

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

~~((1))~~ "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The Authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.)

~~((3))~~(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 regulation 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.

~~((4))~~(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 regulatory order) and the most stringent of (a), (b) and (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.))~~ subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(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) The applicable standards as set forth in 40 CFR Part 60 or 61, ~~((if applicable to the source; or));~~

(b) Any ~~((The))~~ applicable State Implementation Plan emission limitation including those with a future compliance date;

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or

~~((e))~~

(d) The emission rate specified by an applicable regulatory order.

(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. The 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.

~~((5))~~(6)

"Ambient air" means the surrounding outside air.

~~((6))~~(7)

"Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(b) The Authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

~~((7))~~(8)

"Authority" means the Southwest Air Pollution Control Authority.

(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.

~~((8))~~(9)

"Best available control technology, (BACT)" means ~~((technology which will result in))~~ an emission limitation (including visible emission standard) based on the maximum degree of reduction for each air pollutant subject to ~~((this))~~ regulation ~~((which would be))~~ emitted from or which results from any new or modi-

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a 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.

fied 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 ~~((s))~~ or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, ~~((or treatment))~~ 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 air pollutants which ~~((would))~~ 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 regulation, or their later enactments as adopted by reference by the Authority 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. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of Best Available Control Technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.((152))161 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as Best Available Control Technology.

(10) "Best available retrofit technology (BART)" means 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 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 non-air 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.

~~((9))~~(11) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

~~((10))~~(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) ~~((or units))~~ in exchange for a decrease in emissions from another emissions unit(s) ~~((or units))~~, pursuant to RCW 70.94.155, and SWAPCA 400-120.

(13) "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.

~~((11))~~(14) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((12))~~(15) "Class I area" means any ~~((federal, state, or indian land which is classified or reclassified))~~ 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.

~~((13))~~(16) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements ~~((s))~~, but excludes open burning.

~~((14))~~(17) "Commenced construction" means that an owner or operator has all the necessary pre-construction 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.

~~((15))~~(18) "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.

- ~~((16))~~(19) "Control Officer" means the ~~((air pollution control officer))~~ Executive Director of the Southwest Air Pollution Control Authority.
- ~~((18))~~ "Department" means the Department of Ecology.
- ~~((19))~~(20) "Director" means the director of the Washington State Department of Ecology or ~~((his))~~ duly authorized representative.
- ~~((17))~~(21) "Dispersion technique" means ~~((any one of the following:
 
  - ~~(a) A stack whose height exceeds good engineering practice; or~~
  - ~~(b) an intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams; or~~
  - ~~(c) Use of a fan or reheater to obtain a less stringent emission limitation.))~~ 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.~~
- (22) "Ecology" means the Washington State Department of Ecology.
- ~~((20))~~ (23) "Emission" means a release of air contaminants into the ambient air.
- ~~((22))~~ (24) "Emission reduction credit (ERC)" means a credit granted ~~((to a source for a voluntary reduction in actual emissions.))~~ pursuant to SWAPCA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.
- ~~((22))~~ (25) "Emission standard" ~~((means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.))~~ and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation 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.
- ~~((23))~~(26) "Emissions unit" means any ~~((equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.))~~ part of a source which emits or would have the potential to emit any pollutant subject to regulation.
- ~~((24))~~(27) "Excess emissions" means emissions of an air pollutant in excess of ~~((an))~~ any applicable emission standard.
- (28) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in SWAPCA 400-200(2).
- (29) "Executive Director" means the Control Officer of the Southwest Air Pollution Control Authority.
- (30) "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.
- (31) "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.
- (32) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
- ~~((26))~~ "Fire Department" means fire control agency such as city fire department, local fire districts, or the Washington State Department of Natural Resources.
- (25)(33) "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))~~(34) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both. ~~((Such as))~~ Unpaved roads, construction sites, ~~((or))~~ and tilled land ~~((Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind.))~~ are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.
- ~~((28))~~(35) "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))~~(36) "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))~~(37) "Good engineering practice (GEP)" refers to ~~((the height of a stack and means one of the following, whichever is the greatest:~~

- ~~(a) Sixty five meters; or~~
- ~~(b) Height determined by formula. For stacks in existence on or before January 12, 1979, formula height is two and one half times the height of any nearby structure. For stacks constructed after January 12, 1979, formula height is the height of any nearby structure plus one and one half times the height or width of said structure, whichever is lesser. The height of the nearby structure is measured from ground level at the base of the stack. "Nearby", as used in this paragraph, means that distance up to five times the lesser of the height or width dimension of said structure, but no greater than .8 kilometer; or~~

~~(c) Height determined by physical demonstration of need to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. To make such a demonstration it is required that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase at least forty percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by the environmental protection agency or by a field study which has been approved by the Authority. Such a study may be approved only after public involvement pursuant to Section 400-140.)~~

a calculated stack height based on the equation specified in SWAPCA 400-200 (2)(a)(ii).

~~((31))~~(38) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((32))~~(39) "In operation" means engaged in activity related to the primary design function of the source.

(40) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

~~((33))~~(41) "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 Washington State 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.

~~((34))~~ ~~"Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.)~~

~~((40))~~(42) "Major modification" means ~~((a), (b) or (c) of this subsection, whichever is the most stringent:~~

~~(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:~~

- ~~(i) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or~~
- ~~(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or~~
- ~~(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or~~
- ~~(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste; or~~
- ~~(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.~~

~~(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.~~



- ~~(e) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.)~~ 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 1990 Federal Clean Air 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.
- ~~((36) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law-))~~
- (43) "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 Washington 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 NO<sub>x</sub> 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.
- ~~((35))~~(44) "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;
- ~~((37))~~(45) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.
- ~~((38))~~(46) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.
- (47) "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.
- ~~((39))~~(48) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61(~~as promulgated prior to December 1, 1986~~).
- (49) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.
- ~~((40))~~(50) "Net emissions increase" means:
  - (a) The amount by which the sum of the following exceeds zero:
    - ~~((a))~~ Any increase in actual emissions of a pollutant resulting from a physical change in method of operation of a specific emission unit in a source; and
    - (b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change. Provided, that
      - (i) Said other increase or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and
      - (ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and
      - (iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and
      - (iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.)
    - (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 referred to in SWAPCA 400-030-(50)(a) only if the changes in actual emissions occur before the date that the increase from the particular change referred to in SWAPCA 400-030-(50)(a) 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) The Authority or Ecology 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) The Authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I 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.

~~((41))~~(51) "New source" means: ~~((a source which commences construction after the effective date of this regulation. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source.))~~

(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;

(b) Any other project that constitutes a new source under the Federal Clean Air Act; or

(c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees.

(d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.

~~((42))~~(52) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60 ~~((as promulgated prior to December 1, 1986))~~ and adopted by the Authority in SWAPCA 400-115.

~~((43))~~(53) "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.

~~((54))~~(54) "Notice of Construction (NOC) application" means a ~~((document which makes application for permission to construct a new source or to accomplish the modification of an existing source.))~~ written application to request approval for construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source or portable source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

~~((45))~~(55) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((46))~~(56) "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. Open burning includes all forms of outdoor burning except those listed as exempt in SWAPCA 425-020. Wood waste disposal in wigwam burners is not considered open burning.

(57) "Order" means any order issued by the 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, compliance schedule, consent order, order of denial, order of violation, order of prevention and regulatory order.

(58) "Order of Approval" and "Approval Order" mean a regulatory order issued by 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 or portable source after review of all information received including public comment as required under SWAPCA 400-110 and SWAPCA 400-141.

~~((48))~~(59) "Particulate matter" or "particulates" means ~~((small discrete masses of liquid or solid, exclusive of uncombined water at standard conditions.))~~ any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(60) "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.

~~((47))~~(61) "~~((ppm-p))~~ Parts per million ~~((+))~~ (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

~~((49))~~(62) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(63) "PM<sub>10</sub>" 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.

(64) "PM<sub>10</sub> 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 51 or by a test method specified in the Washington State Implementation Plan.

(65) "Potential to emit" means the maximum capacity (i.e., design 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.

~~((50))~~(66) "Prevention of significant deterioration (PSD)" means ~~((the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to December 1, 1986, and as modified by WAC 173-403-080-))~~ the program set forth in SWAPCA 400-141. The PSD program has not been delegated to the Authority.

(67) "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.

(68) "Reasonably attributable" means attributable by visual observation or any other technique the Authority deems appropriate.

~~((51))~~(69) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source

category ~~((may))~~ shall be adopted ~~((as an order or regulation))~~ only after public ~~((involvement per Section 400-140-))~~ notice and opportunity for comment are afforded. RACT shall apply to existing sources.

~~((52))~~(70) "Regulatory order" means an order issued the Authority to an air contaminant source ~~((which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements-))~~ which applies to that source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the Authority.

(71) "Significant" 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
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
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride)	40

~~((53))~~ "Significant emissions" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen Oxides	40		
Sulfur Dioxide	40	800	80
Volatile Organic Compounds	40		
Particulates	25	500	50
Lead	.6		
Total Reduced Sulfur (as H <sub>2</sub> S)	10		
Total Fluoride	3		

(72) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. 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.

- ~~((54))~~(73) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related 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.
- ~~((55))~~(74) "Source category" means all sources of the same type or classification as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.
- (75) "Southwest Air Pollution Control Authority (SWAPCA) or "Authority" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.
- (76) "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.
- (77) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.
- ~~((56))~~(78) "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.
- (79) "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Air Pollution Control Authority, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.
- (80) "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.
- (81) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.
- (82) "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.
- (83) "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, 1992.
- (84) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.
- (85) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.
- (86) "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.
- (87) "Volatile organic compound (VOC)" means:
- (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 unsaturations; and
- (iii) Sulfur containing perfluorocarbons with no unsaturations 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.

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

**WSR 93-10-080  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**  
[Filed May 4, 1993, 11:07 a.m.]

Original Notice.

Title of Rule: Repealing Section 400-020 Applicability; and amending Section 400-010 Policy and purpose, Section 400-040 General standards for maximum emissions, and Section 400-050 Emission standards for combustion and incineration units; and adding SWAPCA 400-020 Applicability, SWAPCA 400-052 Stack sampling of major combustion sources, and SWAPCA 400-070 Emission standards for certain source categories.

Purpose: To provide and maintain consistency between federal, state and local regulations.

Other Identifying Information: The title of amended portions will be changed from "Section" to "SWAPCA" with the corresponding number following for consistency with the revised numbering system.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: The changes to the regulations will provide consistency between federal, state and local air pollution control programs. The changes are proposed in an effort to provide better language clarity. In addition, the adopted portions will provide for direct enforcement capability.

Reasons Supporting Proposal: The amended, adopted and repealed regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The titles of amended portions will be changed from "Section" to "SWAPCA" with the corresponding number following for consistency with the revised numbering system. The purpose of these regulatory changes is to obtain enforcement authority of the Washington state regulations for air pollution control. Revisions to chapter 173-400 WAC have resulted in the need for the Southwest Air Pollution Control Authority regulations to be revised for consistency.

Proposal Changes the Following Existing Rules: The language changes made to the policy and purpose portion and the new applicability portion are intended to provide clarity of meaning. SWAPCA 400-052 is intended to provide better quality data for the emission inventory and subsequently a better foundation on which to base future air shed management decisions. In addition SWAPCA 400-052

will be used to determine if sources are major or minor. The data may be used by the sources in question to complete permit applications. All other changes regarding emission standards are proposed in an effort to keep the authority's regulation consistent with that proposed by the Department of Ecology.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

AMENDATORY SECTION

SWAPCA 400 General Regulations For Air Pollution Sources.

AMENDATORY SECTION

((Section)) SWAPCA 400-010 Policy and purpose.

~~((1)) The Southwest Air Pollution Control Authority consisting of the Counties of Clark, Cowlitz, Lewis, Skamania, and Wahkiakum, having formed pursuant to Revised Code of Washington (RCW) 70.94 as amended, adopts these rules and regulations to control the emissions of air contaminants from sources within the jurisdiction of the Authority, to prevent violations of Federal and State Ambient Air Quality Standards, to provide for the uniform administration and enforcement of these rules and regulations, and to carry out the requirements and purposes of RCW 70.94 as amended.~~

~~((2))~~(1) It is ~~((hereby declared to be))~~ the ~~((public))~~ policy of the Southwest Air Pollution Control Authority (herein after referred to as the Authority and/or SWAPCA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the ~~((territory))~~ jurisdiction of the Authority.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq) and the Clean Air Washington Act (70.94 RCW), the Authority has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWAPCA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWAPCA, to prevent violations of

federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington.

## REPEALER

### SECTION 400-020 Applicability

#### NEW SECTION

### SWAPCA 400-020 Applicability.

- (1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.
- (2) The Authority is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by Ecology, the Authority does not have jurisdiction over the following sources:
  - (a) Specific source categories over which the State, by separate regulation, has assumed or hereafter does assume jurisdiction.
  - (b) Automobiles, trucks, aircraft.
  - (c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council.

#### AMENDATORY SECTION

### ~~(Section)~~ SWAPCA 400-040 General standards for maximum emissions.

All sources and emissions units are required to meet the emission standards of this ~~(chapter)~~ section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section.

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 this regulation~~(s)~~ or any chapter of Title 173 WAC. ~~(In cases)~~ ~~((w))~~ Where current controls are determined to be less than ((reasonably available control technology-)) RACT((s)), 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 as determined by certified observer in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A 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. ~~((As such, t))~~ This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority shall ~~((t))~~ be advised of the schedule.

~~((b)) Hog fuel boilers.~~

- ~~(i) Hog fuel boilers shall meet all provisions of Section 400-040 and 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. As such, this practice is to be scheduled for the same specific times each day and the Authority shall be notified as to the schedule.~~

~~(ii) All hog fuel boilers shall utilize reasonable available control technology. All emissions units shall be operated and maintained to minimize emissions.~~

- ~~((e))~~ (b) When ~~((t))~~ 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.

~~((d))~~ (c) When two or more sources are connected to a common stack, ~~((an adjusted time limit may be allowed at the discretion of the Control Officer.))~~ 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) ~~((Preventing particulate matter from being deposited.))~~ 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 ~~((involving))~~ 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 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 the Authority.)

(4) Odors.

- (a) Any person who shall cause (let, permit) or (suffer) allow the (emission) generation of any odor (ous gases) from any source, (except as provided in this regulation, in such concentration as to cause a public nuisance or exceed) 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.

- ((a)) (b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas.

- ((b)) (c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas.

Scentometer Readings

<u>Scentometer No.</u>	<u>Concentration Range No. of Thresholds</u>
0	1 to 2
1	2 to 8
2	8 to 32
3	32 to 128
4	128

- (d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at ~~(least)~~ fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.

- (e) When the source is a manufacturing process, no violation of this section shall have occurred provided that the Best Available Control Technology ~~(shall be)~~ is provided.

- (5) Emissions ~~(of air contaminants)~~ detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source ~~(including any air contaminant whose emission is not otherwise prohibited by this chapter)~~ if ~~(the air contaminant causes)~~ 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 ~~((as follows))~~:

~~((a-W))~~ when the owner or operator of an emissions unit supplies emission data and can demonstrate to 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, the Authority may require ~~(the owner of operator to equip, operate and maintain continuous ambient air monitoring stations at locations approved by the Authority and using equipment approved by the Authority.)~~ specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results ~~(will)~~ shall be made available upon request and a monthly summary ~~(will)~~ shall be submitted to the Authority.

~~((b))~~ When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by 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 ~~(regulation)~~ section.

- (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 ~~(the nonattainment status of a designated nonattainment area shall be required to use reasonable available control technology to control emissions. Significance will be determined by EPA interpretive ruling for PSD and offset as on file with the Authority.)~~ a Category I PM<sub>10</sub> area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended through February 3, 1993.

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



AMENDATORY SECTION~~((Section))~~ **SWAPCA 400-050** ~~((Minimum))~~ **Emission standards for combustion and incineration units.**

- (1) Combustion and incineration emissions units ~~((must))~~ shall meet all requirements of ~~((Section))~~ SWAPCA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit ~~((utilizing the combustion of))~~ combusting wood derived fuels for the production of steam~~(;)~~. ~~((#))~~ No person shall allow or permit the emission of particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 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 the Authority.
- (2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the Authority including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology, on file at the Authority. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the ~~((Control Officer))~~ Authority.
- (3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, except when the Authority ~~((may))~~ determines that an alternate oxygen correction factor is more ~~((appropriate))~~ representative of normal operations.

NEW SECTION**SWAPCA 400-052 Stack sampling of major combustion sources**

- (1) General Requirements. No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.
- (2) Applicability. All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.
- (3) Emissions Sampling Requirements. The owner or operator of a major combustion or incineration source identified in (b) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests

shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major.

- (4) Sampling Methods. All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Authority.
- (5) Additional Requirements. Nothing in this section shall be construed as to limit the ability of the Authority to impose additional or supplemental emissions testing requirements for any emissions unit within the Authority's jurisdiction in accordance with SWAPCA 400-105(4).
- (6) Alternative Sampling Schedules. The Authority may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with the applicable standards. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The Authority may reduce the frequency of the required emissions testing.
- (7) Continuous Emissions Monitors. The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

AMENDATORY SECTION~~((Section))~~ **SWAPCA 400-060** ~~((Minimum))~~ **Emission standards for general process units.**

General process units shall ~~((be required to))~~ meet all applicable provisions of ~~((Section))~~ SWAPCA 400-040 ~~((above))~~ and, ~~((in addition,))~~ no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other appropriate test procedures approved in advance by the Authority including but not limited to the methods and procedures contained in Ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, shall be used to determine compliance.

NEW SECTION**SWAPCA 400-070 Emission standards for certain source categories.**

The Authority finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of SWAPCA 400-040, SWAPCA 400-050 and SWAPCA 400-060.

- (1) Wigwam burners.
  - (a) The use of wigwam burners is prohibited effective January 1, 1994.
- (2) Hog fuel boilers.
  - (a) Hog fuel boilers shall meet all provisions of SWAPCA 400-040 and SWAPCA 400-050(1),

except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

- (b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.
- (3) Orchard heating.
  - (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
  - (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.
- (4) Grain elevators. Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of SWAPCA 400-040 (1), (2), (3), (4), and (5).
- (5) Catalytic cracking units.
  - (a) All existing catalytic cracking units shall meet all provisions of SWAPCA 400-040 (2); (3), (4), (5), (6), and (7) and:
    - (i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.
    - (ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.
  - (b) All new catalytic cracking units shall meet all provisions of SWAPCA 400-115.
- (6) Other wood waste burners.
  - (a) Wood waste burners not specifically provided for in this section shall meet all provisions of SWAPCA 400-040.
  - (b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.
- (7) Sulfuric acid plants. No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

**WSR 93-10-081**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:08 a.m.]

Original Notice.

Title of Rule: Amending Section 400-100 Registration; and adding SWAPCA 400-081 Startup and shutdown, SWAPCA 400-101 Sources exempt from registration requirements, SWAPCA 400-105 Records, monitoring and reporting, and SWAPCA 400-107 Excess emissions.

Purpose: To provide and maintain consistency between federal, state and local regulations.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.151, and 70.94.200.

Summary: The changes to the regulations will provide consistency between federal, state and local air pollution control programs. The changes are proposed in an effort to provide better language clarity. In addition, the adopted portions will provide for direct enforcement capability.

Reasons Supporting Proposal: The amended, adopted and repealed regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Programs as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The title of Section 400-100 will be changed to SWAPCA 400-100. The purpose of these regulatory changes are intended to make existing requirements easier to understand and keep new requirements consistent with state and federal programs. Revisions to chapter 173-400 WAC have resulted in the need for the Southwest Air Pollution Control Authority regulations to be revised for consistency. SWAPCA 400-081, SWAPCA 400-105 and SWAPCA 400-107 are intended to benefit the operators of emission sources by clearly defining their responsibilities under the Washington Clean Air Act.

Proposal Changes the Following Existing Rules: SWAPCA 400-100 and SWAPCA 400-101 were revised to provide concise guidance on which emissions units must be registered. The portion of Section 400-110 regarding exempt emissions units was deleted. The exemptions were relocated to SWAPCA 400-101. Several other exemptions were made in accordance with existing board of directors policy.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993

Robert D. Elliott  
Executive Director

NEW SECTION

**SWAPCA 400-081 Startup and shutdown.**

In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Authority shall consider any physical and operational constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where 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, the Authority shall include in the Operating Permit 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, the Authority 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 section. Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.

AMENDATORY SECTION

**Section 400-100 Registration (~~required~~).**

- (1) ~~((All air contaminant emission units and related control apparatus within the jurisdiction of the Authority, shall be registered with the Authority upon request.))~~ All sources not specifically exempted by SWAPCA 400-101 shall be required to register with the Authority in accordance with this section.
- (2) General requirements for registration.
  - ~~((a) Registration of an air contaminant emission unit and related control apparatus shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority.))~~
  - ~~((b))~~ (a) A separate registration shall be (~~required~~) provided for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process; provided further that, an owner need not (~~make~~) provide a separate registra-

- tion for identical facilities on the same premises.
- ~~((e))~~ (b) Each registration shall be (~~signed~~) certified by the owner or lessee, or his agent. The owner of the source shall be responsible for the registration and the correctness of the information submitted.
- (c) Registration information shall be provided on forms supplied by the Authority and the forms shall be completed by the source and returned to the Authority within the time specified by the Authority.
- (d) A report of closure shall be filed with the Authority within ninety days after operations producing emissions permanently cease at any source within the above categories.
- ~~((3))~~ ~~— Air contaminant sources excluded.~~  
~~The following air contaminant sources are excluded from the requirements of this section, but are not excluded from meeting the emission requirements of these regulations:~~
  - ~~(a) Internal combustion engines unless excluded by Section 400-020.~~
  - ~~(b) Equipment used exclusively for space heating other than boilers.))~~
- ~~((4))~~(3) Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of \$100.00 for each emission unit shall be paid.
  - (a) Exceptions:
    - (i) Annual registration fee of \$50.00 will be charged to each gasoline transport tank.
    - (ii) The registration fee for a small operation may be waived by administrative action.
- (4) The owner or operator of each source within the following source categories that does not hold an Operating Permit shall register the source with 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;

PROPOSED

- (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;
- (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.
- (31) Dry cleaning establishments using petroleum solvents and/or perchloroethylene solvent.
- (32) Any source not specifically exempted in SWAPCA 400-101.

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

**SWAPCA 400-101 Sources exempt from registration requirements.**

All air contaminant emissions units shall be registered with the Authority except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the Authority may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the Authority that the source is entitled to exemption under this section.

List of Exempt Emissions Units:

- (1) Air Conditioning or ventilating systems designed for space heating and cooling which do not exhaust to the atmosphere contaminants generated by or released from process equipment.
- (2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year of nitrogen oxides, carbon monoxide, PM<sub>10</sub>, sulfur dioxide or volatile organic compounds. Sources that have the potential to emit more than one ton of the above contaminants but are controlled to less than one ton are not exempted from registration.

- (3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new source review fee assessment as specified in Table A under SWAPCA 400-110.
- (4) Asphalt roofing and application equipment (not manufacturing or storage equipment).
- (5) Atmospheric generators used in connection with metal heat treating processes.
- (6) Blast cleaning equipment which use a suspension of abrasive in liquid water.
- (7) Cold solvent cleaners using a solvent with a true vapor pressure of less than or equal to 0.6 psia.
- (8) Foundry sand mold forming equipment which is unheated.
- (9) Fuel burning equipment unless waste-derived fuel is burned, which:
  - (a) is used solely for a private dwelling serving less than five families; or
  - (b) has an energy input of less than 5 million Btu per hour.
- (10) Fuel burning equipment used exclusively for space heating other than boilers.
- (11) Insecticide, pesticide or fertilizer spray equipment.
- (12) Internal combustion engines, including gas turbine and jet engines, except stationary gas turbine engines and stationary internal combustion engines for which a New Source Performance Standard has been established in SWAPCA 400-115.
- (13) Laboratory fume hoods emitting less than 1 ton per year of criteria pollutants or toxic substances uncontrolled.
- (14) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.
- (15) Nonmetallic mineral mines and screening plants except when operated in association with a crushing operation.
- (16) Paint spraying operations used for intermittent maintenance purposes rather than for production purposes and which emit less than one ton per year of volatile organic compounds.
- (17) Portable, manually operated welding, brazing or soldering equipment when used at other than the owner's principal place of business.
- (18) Restaurants and other retail food preparation establishments or equipment.
- (19) Retail printing operations (not including web presses).
- (20) Retail paint sales establishments (not including manufacturing).
- (21) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber,

- leather or ceramics which do not release air contaminants to the ambient air.
- (22) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
- (23) Sewing equipment.
- (24) Sources which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the Authority to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.
- (25) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings or other structures.
- (26) Standby emergency power generators which are used less than 200 hours per year.
- (27) Steam cleaning equipment used exclusively for that purpose.
- (28) Storage tanks, reservoirs or containers which do not store substances capable of emitting regulated air contaminants.
- (29) Storage tanks, reservoirs or containers storing volatile organic compounds:
- of a capacity of 1,000 gallons or less.
  - of a capacity of 4,000 gallons or less used for storage of substances other than gasoline.
  - of a capacity of 40,000 gallons or less used for the storage of substances with a true vapor pressure less than 0.002 psia.
- (30) Tile and ceramic kilns used for arts and crafts (not including commercial and industrial manufacturers of brick, tile or ceramic products).
- (31) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping, which do not release air contaminants to the ambient air.
- (32) Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from or to another source.
- (33) Vents used exclusively for:
- sanitary or storm drainage systems.
  - safety valves.
  - storage tanks (does not preclude tank registration).
- (34) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- (35) Waste-derived fuel burning equipment having an energy input of less than 0.5 million Btu per hour.
- (36) Wastewater evaporators which emit less than one ton per year of volatile organic compounds uncontrolled.
- (37) Water cooling towers and water cooling ponds which do not emit regulated air contaminants.
- (38) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.

#### NEW SECTION

#### **SWAPCA 400-105 Records, monitoring, and reporting.**

The owner or operator of a source shall upon notification by the the Authority, 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 to the Authority. The inventory shall include stack and fugitive emissions of particulate matter, 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. The Authority 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 Control Officer or an authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring and to report the results to Authority.
- (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 the 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 determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions the Authority may conduct or require that a test be conducted of the source or any emissions unit within the jurisdiction of the Authority. Source testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Authority including, but not limited to, approved EPA methods from 40 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 the Authority. The operator of a source shall provide the necessary platform and sampling ports for Authority personnel or others to perform a test of an emissions unit. The Authority 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) 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 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 SWAPCA 400-105 (5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWAPCA 400-105 (5)(d) shall be subject to approval by the Authority.
  - (e) Owners and operators of those sources required to install continuous monitoring equipment under this section shall demonstrate to 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, the Authority determines that continuous monitor-

ing is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

- (g) Exemptions. This subsection (5) does not apply to any source which is:
  - (i) Subject to a new source performance standard. NSPS sources shall be governed by SWAPCA 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 the Authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.
- (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 SWAPCA 400-105(1) shall require the submittal of sufficient information to the Authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. 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.

**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

##### **SWAPCA 400-107 Excess emissions.**

- (1) The owner or operator of a source shall have the burden of proving to the Authority or the decision-making entity (e.g., Pollution Control Hearings Board) in an enforcement action that excess emissions were unavoidable.
- (2) Excess emissions determined by the Authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.
- (3) Excess emissions shall be reported to the Authority as soon as possible. Upon request by 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 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 the Authority or the decision-making entity (e.g., Pollution Control Hearings Board) 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 the Authority that:
- The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
  - The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
  - 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.

**WSR 93-10-082****PROPOSED RULES****SOUTHWEST AIR****POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:09 a.m.]

## Original Notice.

Title of Rule: Amending Section 400-110 of General Regulations for Air Pollution Sources of the Southwest Air Pollution Control Authority; and adding SWAPCA 400-112, SWAPCA 400-113, and SWAPCA 400-114.

Purpose: To provide consistency between federal, state and local regulations and implement the requirements of the Washington State Implementation Plan regarding review of new and modified sources in nonattainment areas.

Other Identifying Information: Section 400-110 is New source review (NSR); SWAPCA 400-112 is Requirements for new sources in nonattainment areas; SWAPCA 400-113 is Requirements for new sources in attainment areas; and SWAPCA 400-114 is Requirements for replacement or substantial alteration of emission control technology at an existing stationary facility.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.152, and 70.94.153.

Summary: SWAPCA 400-112, SWAPCA 400-113 and SWAPCA 400-114 are being adopted and SWAPCA 400-110 is being amended to maintain consistency with changes in the Federal Clean Air Act and Washington Clean Air Act.

Reasons Supporting Proposal: The amended and adopted regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended and adopted regulations will provide for conformity with federal and state regulations pertaining to the preconstruction review of new and modified sources of air pollutants. In addition, the consistency will provide for more efficient implementation of the requirements contained in the federal and state clean air acts. SWAPCA 400-110 establishes time frames for completion of engineering reviews of proposed new and modified sources. It also establishes the requirements that each order issued in response to the submittal of a Notice of Construction application be reviewed by a registered professional engineer. SWAPCA 400-112 establishes offsetting, LAER and other requirements for new major sources and major modifications of existing sources in nonattainment areas. SWAPCA 400-113 establishes BACT, allowable ambient concentration increases in nonattainment areas potentially impacted by the proposed new or modified source and other requirements for new and modified sources in attainment areas. SWAPCA 400-114 provides for preconstruction review of proposed modifications at existing stationary facilities which may not otherwise be reviewable under SWAPCA 400-110.

Proposal Changes the Following Existing Rules: Proposal would amend Section 400-110 New source review (NSR) and change the title of this section to SWAPCA 400-110 New source review (NSR). The amended and adopted regulations will be substantially the same as the regulations being proposed by the Washington Department of Ecology under a similar rule-making process. Amending was necessary as a result of substantial language changes between existing regulations and the DOE proposed regulations. The adopted portions will enable the Authority to effectuate the purpose of the federal and state clean air acts in all areas of its jurisdiction. Section 400-110 formerly contained requirements for new sources in nonattainment areas. These requirements have been updated in accordance

with the state and federal programs and relocated in SWAPCA 400-112.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

0.5 or more but less than 5	\$100.00
5 or more but less than 12	1,000.00
12 or more but less than 250	3,000.00
250 or more	4,000.00
iv. Storage Tanks, Reservoirs, or Containers (Gallons):	
250 or more but less than 6,000	\$100.00
6,000 or more but less than 40,000	500.00
40,000 or more but less than 100,000	1,000.00
100,000 or more but less than 500,000	2,000.00
500,000 or more	3,000.00
1,000,000 or more	4,000.00
v. Gasoline Station	
Stage I	\$250.00
Stage II	500.00
vi. Other, not classified in Subsection i., ii., iii., or iv. above:	
	\$100.00/ton of emission
vii. Toxic Air Contaminant	
	\$100.00 up to one ton and \$100.00 for each additional ton
viii. Source with Significant Impact	
	\$5,000.00

AMENDATORY SECTION

~~((Section))~~ **SWAPCA 400-110 New source review (NSR).**

(1) Applicability.

- ~~((a))~~ ~~A Notice of Construction must be filed with the Authority prior to the construction, installation, or establishment of a new source.~~
- ~~(b)~~ ~~The Authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.~~
- ~~(c)~~ ~~The Notice of Construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.~~
- ~~((d))~~ (a) Before the Authority may ((commence processing)) review a Notice of Construction application a filing fee of \$75.00, and a ((plan examination and evaluation)) review fee as shown in Table A, and, if offsetting emission reductions are required, an offset analysis fee of \$75.00 shall be paid. (Total Fee = Filing Fee + Review Fee + Offset Fee)

TABLE A - Review Fees

i. Fuel Burning Equipment (Million Btu/hr heat input @ design capacity):	Fuel Change	Installation
less than 5	\$25.00	\$100.00
5 or more but less than 10	50.00	200.00
10 or more but less than 20	00.00	350.00
20 or more but less than 50	200.00	500.00
50 or more but less than 100	300.00	1,000.00
100 or more but less than 250	400.00	2,500.00
250 or more but less than 500	500.00	4,000.00
500 or more	600.00	6,000.00
ii. Actual Cubic Feet/Minute (ACFM) from control equipment or from uncontrolled process equipment:		
less than 5		\$100.00
5 or more but less than 5,000		200.00
5,000 or more but less than 20,000		300.00
20,000 or more but less than 50,000		400.00
50,000 or more but less than 100,000		500.00
100,000 or more but less than 250,000		1,000.00
250,000 or more but less than 500,000		2,000.00
500,000 or more		4,000.00
iii. Refuse burning Equipment (Incinerators) Tons/day:		

- (b) A Notice of Construction application must be filed by the owner or operator and an Order of Approval issued by the Authority prior to the establishment of any new source or emission unit or modification which is listed in SWAPCA 400-100;
- (c) 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 the Authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.
- (d) 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))~~ ~~Additional information. Within thirty days of receipt of a notice of construction, the Authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.~~

(2) Completeness determination. Within thirty days of receipt of a Notice of Construction application, 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 SWAPCA 400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

~~((3))~~ ~~Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that~~



would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:))

- ~~((a) — The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).~~
- ~~(b) The new source will use best available control technology (BACT) for emissions control.~~
- ~~(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.~~
- ~~(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.~~
- ~~(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the Authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing sources(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory~~

order(s) to the proposed new source and to all the source(s) that provide the offset. The said orders shall include new allowable emissions limits for all the affected sources. An emission reduction that is the result of the shutdown or curtailment of an existing emissions unit may be used as an offsetting reduction to satisfy the requirements of this paragraph only by the source that created the reduction.

- ~~(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act:))~~
- (3) Final determination.
  - (a) Within sixty days of receipt of a complete application, 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 SWAPCA 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 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, the Authority shall submit any control technology determination(s) included in a final Order of Approval to the RACT/BACT/LAER clearinghouse maintained by EPA.
- ~~((4) — Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:~~
  - ~~(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).~~
  - ~~(b) The project will use Best Available Control Technology (BACT) for emissions control.~~

- (c) ~~If the new source is a major source the source shall meet all the requirements of prevention of significant deterioration regulations under WAC 173-403-080, in Washington and any adjacent state.~~
- (d) ~~The allowable emissions from the proposed new facility will not delay the attainment date for any area not in attainment. This requirement will be considered to met if the impact at any location within a nonattainment area does not exceed the following levels:~~

Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO			0.5 mg/m <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>

- (e) ~~If the new source is a major source, the source shall undergo an impact analysis for visibility impairment with respect to all areas in Washington and any adjacent state that are mandatory Class 1 areas per 40 CFR 52.21(e). The impact analysis shall consist of the procedures required in WAC 173-403-050.)~~

(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 Board of Directors as specified in SWAPCA 400-220 of this regulation or appealed directly to the Pollution Control Hearings Board as provided in Chapter 43.21B RCW.

~~((5) Preliminary determination. Within thirty days after receipt of all information required, the Authority shall:~~

- ~~(a) Make preliminary determinations on the matter set forth in 400-110 (3) or (4), whichever is applicable; and~~
- ~~(b) Initiate compliance with the provisions of Section 400-140 relating to public notice and public comment, as applicable.)~~

(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 for each location provided that:

- (a) The source/emissions units are registered with the Authority.
- (b) The source/emissions units have an Order of Approval in which the owner(s) or operator(s) has successfully demonstrated that the emissions control equipment and provisions are commensurate with BACT.
- (c) The proposed equipment and operation is identical to that previously approved.
- (d) The owner(s) or operator(s) notifies the Authority of intent to operate at the new location at least ten days prior to starting the operation.
- (e) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable 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.

- (f) The owner(s) and residents of immediately adjacent properties shall be notified by the owner(s) or operator(s) of the portable source in writing at least 10 days prior to commencement of operations at the proposed location with copies mailed to the Authority. Such written notification shall include a complete description of the proposed operation and the associated emissions control provisions and equipment.

~~((6) Final determination. If, after review of all information received, including public comment, the Authority finds that all the conditions in Section 400-110 (3) and (4) 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.~~

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

NEW SECTION

**SWAPCA 400-112 Requirements for new sources in nonattainment areas.**

The Authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an Order of Approval, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if the Authority determines 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, the applicable emission standards of the 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 must 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 Washington State Implementation Plan and will comply with SWAPCA 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 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 of the pollutant for which the area has been designated nonattainment from the proposed new source or modification are offset by reductions in actual emissions of the pollutant for which the area has been designated nonattainment 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.
    - (i) New major sources within the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as "marginal") shall:
      - (A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
      - (B) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
    - (ii) Major sources within the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as "marginal") undergoing major modifications shall:
      - (A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
      - (B) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
    - (iii) New major sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") shall:
      - (A) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
    - (iv) Major sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") undergoing major modifications shall:
      - (A) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
  - (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 SWAPCA 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 the EPA-approved Washington 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 SWAPCA 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, 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 SWAPCA 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

#### **SWAPCA 400-113 Requirements for new sources in attainment or nonclassifiable areas.**

The 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 proposed 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. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined 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 the applicable emission standards of the 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>1</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 SWAPCA 400-141, it meets all applicable requirements of that section.
- (5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under WAC 173-460, the source meets all applicable requirements of that program.
- (6) The proposed new source shall not cause an adverse impact upon visibility.

**NEW SECTION**

**SWAPCA 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 Authority.
- (2) For projects not otherwise reviewable under SWAPCA 400-110, 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 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 the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

- (4) Actual construction, as defined in SWAPCA 400-030 (17)(a) and (b), shall not begin on a project subject to review under this section until 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 the Authority takes no action within thirty days of receipt of a complete Notice of Construction application.

**WSR 93-10-083  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:10 a.m.]

**Original Notice.**

Title of Rule: Repealing Section 400-120 Issuance of emission reduction credits, Section 400-125 Use of emission reduction credits, section 400-140 Public involvement, and Section 400-150 Variance; adding SWAPCA 400-120 Bubble rules, SWAPCA 400-131 Issuance of emission reduction credits, SWAPCA 400-136 Use of emission reduction credits, SWAPCA 400-141 Prevention of significant deterioration, and SWAPCA 400-151 Retrofit requirements for visibility protection; and amending Section 400-130 Acquisition and use of emission reduction credits.

Purpose: To provide and maintain consistency between federal, state and local regulations.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.155, and 70.94.850.

Summary: The changes to the regulations will provide consistency between federal, state and local air pollution control programs as well as promote market based approaches to air pollution control.

Reasons Supporting Proposal: The amended, adopted and repealed regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: SWAPCA 400-120, SWAPCA 400-130, SWAPCA 400-131 and SWAPCA 400-136 establish the framework under which emissions of air pollutants may be traded, leased or sold within a given source and to other sources. These provisions promote market based and cost effective approaches to air pollution control consistent with the Federal Clean Air Act Amendments of 1990 and existing

Board of Directors policy. SWAPCA 400-141 and SWAPCA 400-151 adopt existing federal requirements at the local level. SWAPCA 400-141 employs preventative measures to maintain air quality. SWAPCA 400-151 provides a mechanism to correct visibility impairment in Class I areas. The amended and adopted regulations will be substantially the same as the regulations being proposed by the Washington Department of Ecology under a similar rule making process. Amending and adopting were necessary as a result of substantial language changes between existing regulations and the Department of Ecology proposed regulations.

**Proposal Changes the Following Existing Rules:** Proposal would repeal Section 400-120 and Section 400-125. Section 400-130 is changed to SWAPCA 400-130. Where SWAPCA 400-130 was inconsistent with the Washington Department of Ecology's proposed regulations, alterations have been made to eliminate any potential conflicts. Section 400-140 Public involvement was repealed. Enhanced and more explicit public involvement requirements are addressed in SWAPCA 400-171. Section 400-150 Variance was repealed. Variances are addressed in SWAPCA 400-180.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

## REPEALER

### **Section 400-120 Issuance of emission reduction credits**

## NEW SECTION

### **SWAPCA 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 or regulations established to implement such laws for which the emission requirement may be stated as an allowable limit in weight of air 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 the Authority.
  - (a) The contaminants exchanged must be of the same type, that is, 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 ambient air quality standards.
  - (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 air 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 solely 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 particulate matter emission limit(s) and/or PM<sub>10</sub> emission limit(s);
    - (iii) An opacity greater than twenty 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) Concurrent with or prior to the authorization of a bubble, each 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.
  - (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 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 the Authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the agency of original jurisdiction.
- (4) **Additional information.** Within thirty days, after the receipt of a bubble application and all supporting data and documentation, the Authority may require the submission of additional information needed to review the application.
- (5) **Approval.** Within the time period allowed by the Operating Permit rules, or for nonpermitted sources, within thirty days after all the required information has been received, 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, 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 affected by the bubble. The revised permit shall include any conditions required to assure that 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 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 shall prohibit operation of the affected equipment.

REPEALER

**Section 400-125 Use of Emission reduction credits**

AMENDATORY SECTION

~~((Section))~~ **SWAPCA 400-130** ~~((The Regional Air Pollution Control Authority's Power of Acquisition and Use of Reduction Credits-))~~ **Acquisition and use of emission reduction credits.**

- (1) Applicability. The owner(s) or operator(s) of any source of emission shall maintain its ~~((authority for))~~ ability to use said emission and credits through approval and registration with the Authority. If the owner or operator of said emission source fails to maintain or renew its annual registration for ~~((more than))~~ one year and has not applied for reduction credits, then said amount of emission credit shall revert back to the ~~((Southwest Air Pollution Control Authority))~~ Authority. The ~~((Southwest Air Pollution Control))~~ Authority shall keep said credits in a credit bank to be used by ~~((that))~~ the Authority in the best interest of the area.
- (2) Conditions ~~((of))~~ for Establishing a Credit Bank ~~((for the Regional Authority))~~
  - (a) ~~((That e))~~ Only those quantifiable emissions that are considered surplus over and above those allowed in the State Implementation Plan shall be available for said credit bank.
  - (b) ~~((That said s))~~ Surplus emissions shall not have been transferred to another entity for use.
  - (c) ~~((The e))~~ Emission reduction credits established under SWAPCA 400-~~((120))~~131 or used under SWAPCA 400-~~((125))~~136 for a specific source ~~((may))~~ shall not be included in the bank for public allocation unless specifically requested by the ~~((Recipient))~~ owner(s) or operator(s) of the source making the emissions reduction.

~~(((3))~~ Use of Credits.

~~(a) The Southwest Air Pollution Control Authority may authorize, at their discretion, the use of said particulate credits and volatile organic compound credits from the regional emission credit bank for other new air contaminant sources within the specific nonattainment area in the region to satisfy any emission offset requirements. (Reference to Sections 400-110 (3)(e) and 173-400 (6)(d) of the~~

~~Southwest Air Pollution Control Authority General Regulations and Washington Administrative Codes-)~~

- ~~(b) The Southwest Air Pollution Control Authority has established its policy and procedure for distribution of said credits as contained in (4) Maintenance of Bank.~~
- ~~(((4)))~~(3) Maintenance of the Bank.
  - (a) ~~((The regional authorities will))~~ The Authority shall maintain an emission inventory of all allowed and actual emissions in each of the nonattainment areas by pollutant or in the case of ozone, it shall be volatile organic compounds. The approved State Implementation Plan shall establish the maximum allowed emissions of a nonattainment pollutant or precursor for the specific nonattainment area.
  - (b) The emission credits contained in the bank shall be discounted by ~~((30%))~~ 10% to allow for minor emissions increases in nonattainment areas by minor sources each of which would emit less than one ton per year. ~~((These m))~~ Minor emitting sources ~~((are))~~ shall be ineligible to receive or expend an emission reduction credit as identified in SWAPCA 400-~~((120))~~131 or 400-~~((125))~~136. ~~((but because these minor sources are expected to continue their general growth pattern a growth allowance is hereby created.))~~
  - (c) The Control Officer shall not provide greater than 10% of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the members of the Board of Directors after a public notice at the next regularly scheduled meeting.
  - (d) When the Control Officer issues credits for a new or modified source, the amount of emission credits shall be removed from the bank and ~~((a))~~ a Regulatory Order allocating the emission credits shall be issued. The applicant ~~((has 12 months to))~~ shall start a continuous program of construction or process modification within 12 months. If the applicant does not exercise the approval, the emission credit ~~((will))~~ shall expire and ~~((be made available in))~~ revert to the bank. If there is a six month delay in construction after the start of a continuous program to construct or modify a source or emissions unit the remaining amount of the emission reduction credit shall be reviewed by the Control Officer and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Control Officer ~~((will))~~ shall notify the applicant that the credit ~~((authority))~~ has expired and ~~((will be made available))~~ shall revert to the bank. The applicant ~~((will have to))~~ shall reapply, as needed, for ~~((it's))~~ use of the emission reduction credits when a continuous program of construction ~~((will again go forward))~~ or modification begins.

~~((5))~~(4) Annual Review. The Authority ~~((with))~~ shall review the content and administration of this Section annually as a portion of the State Implementation Plan review, and to ensure regulatory consistency and equity of impact. The results of the review shall be reported to the Board with recommendations for correction if the Control Officer deems that such corrections are necessary to properly administer the emission credit bank.

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

#### NEW SECTION

#### **SWAPCA 400-131 Issuance of emission reduction credits.**

- (1) Applicability. The owner(s) or operator(s) of any source(s) may apply to 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 or regulations established to implement such law(s) 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 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 and any other pertinent supporting information.
  - (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 SWAPCA 400-112(5) nor as part of a bubble transaction under SWAPCA 400-120 nor to satisfy NSPS, NESHAPS, BACT, or LAER.
  - (e) Concurrent with or prior to the authorization of an ERC, the applicant shall 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.

- (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, supporting data and documentation, the Authority may require the submission of additional information needed to review the application.
- (5) Approval. Within the time period allowed by the Operating Permit Rules, or for nonpermitted sources, within thirty days after all required information has been received, the Authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (f) of this section have been satisfied or not. If the application is approved, the Authority shall:
  - (a) Modify the source's Operating Permit or Order of Authorization to Operate 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 or Order shall include any conditions required to assure that subsection (3)(a) through (f) of this section will be satisfied. If a source applying for an ERC is not a permitted source under the Operating Permit Program the conditions imposed to satisfy subsection (3)(a) through (f) 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.

#### REPEALER

Section 400-135 Standards of performance for new sources

#### NEW SECTION

#### **SWAPCA 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 SWAPCA 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 SWAPCA 400-112 or SWAPCA 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 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. 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 Authority. After receiving the certificate, the Authority shall reissue the certificate to the new owner. The Authority shall update the ERC bank to reflect the availability of ERCs.
- (5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after the date of original issue. The ten year time period shall restart with each ERC transaction involving the use, lease or sale of emission reduction credits. The emission reduction credits shall be discounted at the applicable ratio, if any, on a one time basis at the time of original issue. Emission reduction credits shall not be discounted each time a transaction is completed.
- (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 the Authority after public involvement per SWAPCA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

#### REPEALER

Section 400-140 Public Involvement

#### NEW SECTION

#### **SWAPCA 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 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 the Administrator of EPA, Director of Ecology and Control Officer of the Authority.
- (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 between the date ten years before construction on the particular change commences 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 January 1, 1993, is hereby incorporated by reference 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 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) 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.

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

#### REPEALER

Section 400-150 VARIANCE

#### NEW SECTION

#### **SWAPCA 400-151 Retrofit requirements for visibility protection.**

- (1) Determination of best available retrofit technology (BART). The Authority shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.
- (2) Initially defined BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required



must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

- (3) Future definitions of BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:
- The source emits more than 250 tons per year of the contaminant; and,
  - The controls representing BART have not previously been required in this section.
- (4) Appeal. Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA Administrator for an exception from that requirement pursuant to 40 CFR 51.303.

**WSR 93-10-084**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:11 a.m.]

**Original Notice.**

Title of Rule: Repealing Section 400-160 Use of dispersion techniques, Section 400-170 Monitoring and special report, Section 400-180 Maintenance of pay, Section 400-190 Requirements for boards, Section 400-200 Regulatory actions, and Section 400-210 Criminal penalties; and adding SWAPCA 400-170 Public involvement, SWAPCA 400-180 Variance, SWAPCA 400-190 Requirements for nonattainment areas, SWAPCA 400-200 Creditable stack height and dispersions techniques, SWAPCA 400-205 Adjustment for atmospheric conditions, SWAPCA 400-210 Emission requirements of prior jurisdictions, and SWAPCA 400-161 Compliance schedules.

Purpose: To provide and maintain consistency between federal, state and local regulations.

Statutory Authority for Adoption: Chapter 70.94 RCW.  
Statute Being Implemented: RCW 70.94.141, 70.94.181, and 70.94.430.

Summary: The changes to the regulations will provide consistency between federal, state and local air pollution control programs. The changes are proposed in an effort to provide better language clarity. The adopted portions will provide for direct enforcement capability. In addition, the revised numbering system is consistent with the numbering system used by Department of Ecology.

Reasons Supporting Proposal: The amended, adopted and repealed regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott,

Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes is to make existing requirements easier to understand and keep new requirements consistent with state and federal programs. Revisions to chapter 173-400 WAC have resulted in the need for the Southwest Air Pollution Control Authority regulation to be revised for consistency. The proposed changes will also provide direct enforcement capability for the authority.

Proposal Changes the Following Existing Rules: The subject matter contained in the repealed sections is addressed in other amended and/or added portions of the proposed regulation. The changes in numbering and format are to provide consistency with state and federal programs as well as clarify the language contained in these portions of the regulation.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

**REPEALER**

Section 400-160 USE OF DISPERSION TECHNIQUES

**NEW SECTION**

**SWAPCA 400-161 Compliance schedules.**

- Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this regulation the Authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation of emission control technology, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (SWAPCA 400-171) must be met.
- Federal action. A source shall be considered to be in compliance with this regulation if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the State Implementation Plan.
- Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

**REPEALER**

Section 400-170 MONITORING AND SPECIAL REPORT

**NEW SECTION**

**SWAPCA 400-171 Public involvement.**

- (1) **Applicability.** 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) Any order to establish a compliance schedule or a variance; or
  - (e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or
  - (f) Any 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) Any 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 regulation in which there is a substantial public interest according to the discretion of the Authority.
- (2) **Public notice.** Public notice shall be made only after all information required by 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 the Authority;
    - (iv) Advising that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists.
  - (c) A copy of the notice shall be sent to the EPA Regional Administrator.
  - (d) 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 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. 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 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 the Authority.

**REPEALER**

Section 400-180 Maintenance of Pay

**NEW SECTION**

**SWAPCA 400-180 Variance.**

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the Authority 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 the Authority has jurisdiction shall make application to the Authority. Variances to state rules shall require approval of Ecology prior to being issued by the Authority. The Board of Directors may grant a variance only after public involvement per SWAPCA 400-171.
- (2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the Authority for sources under its jurisdiction shall 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.

**REPEALER**

Section 400-190 Requirements for boards

**NEW SECTION**

**SWAPCA 400-190 Requirements for nonattainment areas.**

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWAPCA 400-171.

**REPEALER**

Section 400-200 Regulatory actions

**NEW SECTION**

**SWAPCA 400-200 Creditable stack height and dispersion techniques.**

(1) Applicability. These provisions shall apply to all sources except:

- (a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;
- (b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;
- (c) Flares;
- (d) Open burning for agricultural or silvicultural purposes as covered under the Smoke Management Plan;
- (e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) Prohibitions. No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

- (a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:
  - (i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or
  - (ii)  $H_g = H + 1.5L$  where:  $H_g$  = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

$H$  = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

$L$  = lesser dimension, height or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the

height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

- (i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;
- (ii) The merging of gas streams where:
  - (A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).
  - (B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.
  - (C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) Exception. The Authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

- (a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or

terrain feature is measured from the ground-level elevation at the base of the stack.

- (b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (SWAPCA 400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the State Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

NEW SECTION

**SWAPCA 400-205 Adjustment for atmospheric conditions.**

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations as specified at SWAPCA 400-230(5).

REPEALER

Section 400-210 Criminal penalties

NEW SECTION

**SWAPCA 400-210 Emission requirements of prior jurisdictions.**

Any emissions unit that was under the jurisdiction of the Authority and now is under the jurisdiction of Ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this regulation or the specific regulation relating to that source.

**WSR 93-10-085  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:12 a.m.]

Original Notice.

Title of Rule: Repealing Section 400-220 Appeals; adding SWAPCA 400-220 Requirements for board members, SWAPCA 400-230 Regulatory orders, SWAPCA 400-240

Criminal penalties, SWAPCA 400-250 Appeals, and SWAPCA 400-260 Conflict of interest; and amending Section 400-035 Open fires.

Purpose: To provide and maintain consistency between federal, state and local regulations.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.100, 70.94.430, 70.94.425, 70.94.431, and 70.94.211.

Summary: The changes to the regulations will provide consistency between federal, state and local air pollution control programs. The changes are proposed in an effort to provide better language clarity. The adopted portions will provide for direct enforcement capability. In addition, the revised numbering system is consistent with the numbering system used by the Department of Ecology.

Reasons Supporting Proposal: The amended, adopted and repealed regulations will provide for conformity with federal and state regulations. Consistency is required to receive delegation of federal programs including the Operating Permit Program as specified in Title V of the Federal Clean Air Act Amendments of 1990.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes is to make existing requirements easier to understand and keep new requirements consistent with state and federal programs. Revisions to chapter 173-400 WAC have resulted in the need for the Southwest Air Pollution Control Authority regulations to be revised for consistency. The proposed changes will also provide direct enforcement capability for the authority.

Proposal Changes the Following Existing Rules: The subject matter contained in the repealed sections is addressed in other amended and/or added portions of the proposed regulation. The changes in numbering and format are to provide consistency with state and federal programs as well as clarify the language contained in these portions of the regulation. The title of Section 400-035 Open Fires was changed to SWAPCA 426 Open fires and updated to maintain consistency with the changes made by the Department of Ecology in a similar rule-making process.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

violator an opportunity to meet with the Authority prior to the commencement of enforcement action.  
(2) Civil penalties.

## REPEALER

Section 400-220 Appeals

## NEW SECTION

### **SWAPCA 400-220 Requirements for board members.**

- (1) Public interest. A majority of the members of the Authority's Board of Directors shall represent the public interest. A majority of the members of such boards, shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts. An elected public official and the Board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program which involves these persons to an assistant.
- (2) Disclosure. Each member of the Authority's Board of Directors shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a Board member in any action or voting on such matter.
- (3) Define significant income. For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income."

## NEW SECTION

### **SWAPCA 400-230 Regulatory actions.**

The Authority may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated by reference.

- (1) Enforcement actions by the Authority—Notice of Violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation or the rule or regulation or permit requirement 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, the Authority may require that the alleged violator or violators appear before it for the purpose of providing the Authority 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 the Authority 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 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 regulation 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 the Authority, shall be paid into the treasury of the Authority and credited to its funds.
  - (e) To secure the penalty incurred under this section, the Authority shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Authority shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.
  - (f) In addition to other penalties provided by this regulation, 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. The Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation. 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 its regulations 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 its regulations, the Control Officer, 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. The Authority may issue such orders as authorized by WAC 435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.
- (6) Compliance orders. The Authority 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 and completed.

NEW SECTION

**SWAPCA 400-240 Criminal penalties.**

Persons in violation of the Authority's regulations or Title 173 WAC may be subject to the provisions of RCW 70.94.430.

NEW SECTION

**SWAPCA 400-250 Appeals.**

- (1) Any decision or Order of the Authority may be appealed to the Board of Directors as provided herein or appealed directly to the Pollution Control Hearings Board as provided by RCW 43.21B and WAC 371-08. If appealed to the Board of Directors, the procedure shall be as follows:
  - (a) The decision or Order issued by the Control Officer shall become final unless, not later than 15 calendar days after the date the Order is served upon the owner or applicant, the owner or applicant petitions the Control Officer for reconsideration, with reasons for the reconsideration. If the Control Officer refuses to reconsider, the Control Officer shall so notify the owner or applicant in writing, giving reasons for the decision. Such ruling on the petition shall become final unless not later than 15 calendar days after such notice of refusal is served, the owner or applicant appeals to the Board setting forth the reasons for the appeal.
  - (b) The Control Officer may reverse or modify the Order and issue such an Order in replacement thereof as deemed proper. Such Order also may be appealed to the Board of Directors as in (a) above.
  - (c) Any failure of the Control Officer to act upon a petition for reconsideration 15 calendar days after the petition is delivered to the Authority, shall be considered as a refusal to reconsider.
  - (d) In lieu of a petition for reconsideration, the owner or applicant may appeal directly to the Board of Directors within the time specified in (a) above.

- (2) The Board shall promptly hear and consider all appeals after providing reasonable notice to the appellant. The Board shall, within 30 calendar days of the hearing sustain, reverse or modify the Order of the Control Officer as it deems proper. Such ruling of the Board shall be communicated to the appellant in writing and the appellant if aggrieved, may appeal de novo to the Pollution Control Hearings Board as provided in RCW 43.21B.120 and WAC 371-08.
- (3) It is the intent of the Board in establishing this regulation concerning appeals to provide for a method of resolving issues at the Authority level. Consequently, Decisions and Orders of the Control Officer on compliance, new source review, or any other matter regulated herein except violations shall not be considered as commencing any appeal period for appeals to the Pollution Control Hearings Board. Such appeal period shall commence only when the final Order is issued by the Board of Directors and served upon the person aggrieved as provided in RCW 43.21B.120.
- (4) Nothing contained herein shall be construed as denying the exclusive jurisdiction of the Pollution Control Hearings Board on violations as provided by RCW 43.21B.120.

NEW SECTION

**SWAPCA 400-260 Conflict of interest.**

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

AMENDATORY SECTION

~~((Section 400-035 Open Fires))~~ **SWAPCA 426 Open Fires**

No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open fire within the jurisdiction of the Authority, except as provided in this Regulation.

- (1) Fires set only for recreational purposes or cooking of food for human consumption are excepted from provisions of this regulation provided no nuisance is created.
- (2) Open burning may be done under permit:
  - (a) Burning permits may be provided by the local fire department, fire district or Washington State Department of Natural Resources.
  - (b) No permit shall be issued unless the Control Officer is satisfied that:
    - (i) No practical alternate method is available for the disposal of the material to be burned. (The Authority has a written Open Outdoor Fire Policy describing times, areas and kinds or permitted open fires).
    - (ii) No salvage operation by open burning will be conducted.
    - (iii) No garbage will be burned.
    - (iv) No animals will be disposed of by burning.
    - (v) No material containing asphalt, petroleum products, paints, rubber products, plastic or

any substance which normally emits dense smoke or obnoxious odors will be burned.

- (c) Any permit issued may be limited by the imposition of conditions to:
- (i) Prevent air pollution.
  - (ii) Protect property and the health, safety and comfort from the effects of the burning.
- (d) If it becomes apparent at any time to the Control Officer that limitations need to be imposed for any of the reasons stated in Subsection (c) above, the Control Officer, or his duly designated agent shall notify the permittee and any limitation imposed shall be treated as conditions under which the permits is issued.
- (3) Fires started in violation of this regulation shall be extinguished by the persons responsible for the same upon notice of the Control Officer or his duly designated agent. When the Control Officer has knowledge of adverse conditions for the dispersement of the by-products of combustion, and air pollution alert may be declared voiding all permits for open fires.
- (4) It shall be (prima facie) evidence that the person who owns or controls property on which an open fire, prohibited by this regulations, occurs has caused or allowed said open fire.

**WSR 93-10-086**  
**PROPOSED RULES**  
**SOUTHWEST AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:13 a.m.]

Original Notice.

Title of Rule: SWAPCA 476 Standards for Asbestos Control.

Purpose: To adopt regulations to bring the Southwest Air Pollution Control Authority's regulations to be consistent with the asbestos standards of 40 CFR 61 Subpart M and to adopt current policies as regulations for enforceability.

Other Identifying Information: Section 476-010 is Purpose; Section 476-030 is Definitions; Section 476-040 is Notification Requirements and Fees; Section 476-050 is Procedures for Asbestos Emission Control; and Section 476-060 is Disposal of Asbestos-Containing Waste Material.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: To adopt regulations to bring Southwest Air Pollution Control Authority's regulations to be complete and consistent with the requirements of 70 CFR 61 Subpart M for control of airborne asbestos. This proposed regulation will assist in controlling the emission of asbestos fibers in the ambient air and provide enforcement capability for existing policies.

Reasons Supporting Proposal: Regulations need to be provided to implement existing policies and provide conformity with federal regulations concerning the control of asbestos containing materials. Adoption of this proposed regulation will provide enforcement capabilities for existing policies.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority,

1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed regulation will adopt existing policies for the identification, notification of projects, fee schedule, reporting, and disposal of asbestos containing materials. Control of asbestos materials are necessary to protect public health and asbestos control workers.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993

Robert D. Elliott  
 Executive Director

**SWAPCA 476 Standards for asbestos control.**

NEW SECTION

**SWAPCA 476-010 Purpose.**

The purpose of this regulation is to control asbestos emissions from the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

NEW SECTION

**SWAPCA 476-030 Definitions.**

- (1) "Adequately wet" means sufficiently mixed, saturated, penetrated, or coated with a continuous fine mist of water or aqueous solution to prevent emissions.
- (2) "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (3) "Asbestos-containing material" means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

- (a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and
  - (b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and
  - (c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and
  - (d) The building vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.
- (4) "Asbestos-containing waste material" means any waste that contains asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos containing material taken for testing or enforcement actions.
- (5) "Asbestos project" means the construction, demolition, repair, remodeling, maintenance, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- (6) "Asbestos survey" means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior approval from the Authority, to determine whether materials or structures to be worked on, removed, or demolished, contain asbestos. In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.
- (7) "Authority" means the Southwest Air Pollution Control Authority (SWAPCA).
- (8) "Certified asbestos worker/supervisor" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.
- (9) "Collected for disposal" means sealed in a leak-tight container while adequately wet.
- (10) "Component" means any equipment, pipe, structural member, or other item covered, coated, or manufactured from asbestos-containing material.
- (11) "Controlled area" means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act, have access. For residential dwellings, the controlled area is the interior of the dwelling.
- (12) "Demolition" means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For residential dwellings, a demolition means the wrecking, dismantling, or removal of any load bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.
- (13) "Emergency asbestos project" means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or of vital utilities. Such events may include earthquakes, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.
- (14) "Encapsulant" means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).
- (15) "Encapsulation" means the application of an encapsulant on surfaces that are covered, coated or manufactured from asbestos containing material to control the release of asbestos fibers into the air. For purposes of this regulation, encapsulation includes the construction of enclosures.
- (16) "Enclosure" means a permanent airtight protective overlay, such as a ceiling, floor, or wall, covering surfaces that are coated, covered, or manufactured from asbestos-containing material to control the release of asbestos fibers into the air.
- (17) "HEPA filter" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.
- (18) "Leak tight container" means a dust tight container, at least 6 mil thick, that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.
- (19) "Local exhaust ventilation and collection system" means a system as described in Appendix J of EPA



560/565-024, Guidance for Controlling Asbestos-Containing Materials in Buildings.

- (20) "Owner or operator" means any person who owns, leases, operates, controls, or is responsible for activities at an asbestos project site, or an asbestos project operation, or both.
- (21) "Renovation" means the modification of any existing building, vessel, structure, component, or portion thereof, involving the removal, encapsulation, alteration, disposal, or disturbance of any releasing, or likely to release asbestos fibers into the air.
- (22) "Residential dwelling" means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and homes with a "mother-in-law apartment" or "guest room". This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed use building, structure, or installation that contains a residential unit.
- (23) "Visible emissions" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.
- (24) "Waste generator" means any owner or operator of a source whose act or process produces asbestos-containing waste material.
- (25) "Waste shipment record" means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.
- (26) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

#### NEW SECTION

#### **SWAPCA 476-040 Notification requirements and fees.**

- (1) **Applicability.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the owner or operator has filed with the Authority written notice as follows:
- (a) A written "Notice of Intent to Remove or Encapsulate Asbestos" shall be submitted on Authority provided forms by the owner or operator for the approval by the Authority before any work on an asbestos project begins;
- (b) The written notice shall expire on the project completion date as specified by the owner or operator and shall be accompanied by the appropriate fee at

the time of the submittal in accordance with SWAPCA 476-040(2);

- (c) The duration of the asbestos project shall not exceed one (1) year beyond the original project starting date and shall have a project starting and completion date that is commensurate with the amount of asbestos-containing material involved;
- (d) A copy of the approved written notice shall be available for inspection at the asbestos project site until completion of the project; and
- (e) Each written notice shall include the following information:
- (i) The scheduled starting and completion dates of the asbestos project;
- (ii) The complete street address or location(s) of the asbestos project, including the city, zip code, and county;
- (iii) The description, specific location(s) at the project site, and amount (in linear feet for pipes and square feet for other components) of asbestos-containing material involved in the project. If an asbestos project involves a volume amount, then each cubic foot of asbestos-containing material must be converted to twelve (12) square feet of asbestos-containing material;
- (iv) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos project;
- (v) The description, size (total square feet and number of floors), and approximate age of the structure, vessel, or building;
- (vi) The type of asbestos project involved and the method that will be used to accomplish it;
- (vii) The procedures that will be used to comply with the asbestos emission control and disposal requirements of SWAPCA 476-050 and 476-060; and
- (viii) The name and location of the waste disposal site where asbestos-containing waste material will be deposited.
- (f) Upon completion of an asbestos project, the owner or operator shall provide written confirmation to the Authority within 30 days of completion. This written confirmation of project completion shall contain as a minimum the project name and location, date of completion, actual quantity of asbestos obtaining material removed, and the name of the disposal facility.
- (2) **Advance notification period and fee.** Any notification required by SWAPCA 476-040(1) shall be considered incomplete until all the information required by SWAPCA 476-040(1) is received by the Authority and accompanied by the appropriate fee. A facsimile of the

completed notification form shall be acceptable documentation for the start of the notification period, but the appropriate fee shall be received before the project can be approved. The advance notification period and appropriate fee shall be determined as follows:

Asbestos Project	Advance Notification Period	Notification Fee	Forms Required
Residential	Prior Notification Required	\$ 25	Notification to Perform an Asbestos Project
<10 linear ft <11 square ft	Prior Notification Required	\$ 25	Notification to Perform an Asbestos Project
10-260 linear ft 11-160 square ft	10 Working Days	\$ 100	Notification to Perform an Asbestos Project
>260 linear ft >160 square ft	10 Working Days	\$ 250	Notification to Perform an Asbestos Project
Amendments to All Projects	Prior Notification Required	\$ 25 3rd amendment & after	Amended Copy of Approved Notification
<b>Emergencies</b> All projects that normally require a 10 working day notification period	Prior Notification Required	\$ 25 plus Normal Notification Fee	Emergency Waiver Request Letter (submitted by property owner)

(3) **Annual notification.** In addition to the notification requirements of SWAPCA 476-040(1) and 476-040(2), the owner or operator of a facility may file for approval by the Authority an annual written notification to conduct asbestos projects on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs. The requirements of SWAPCA 476-040 (1)(a) through 476-040 (1)(c), 476-040 (1)(f) and 476-040(2) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) **Restrictions.**

- (i) Annual written notifications shall be submitted to the Authority for approval before commencing work on any asbestos projects specified in an annual application.
- (ii) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.
- (iii) The notification requirements of SWAPCA 476-040(1) and 476-040(2) shall apply to any asbestos project involving at least 260 linear feet on pipes or 160 square feet on other components for each building, vessel, or structure at the facility, including residential dwellings.
- (iv) A copy of the approved annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.
- (v) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for

disposal at the facility if all of the following conditions are met:

- (A) All asbestos-containing waste material shall be treated in accordance with SWAPCA 476-060 (1)(a), 476-060 (1)(b), and 476-060 (1)(c);
- (B) Accumulated asbestos-containing waste materials collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and
- (C) All stored asbestos-containing waste material shall be deposited at a waste disposal site within ninety (90) calendar days after collection for disposal unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. The waste disposal site shall be operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(b) **Reporting Requirements and Fees.** Annual written notifications required by Section 476-040 (3)(a) shall be submitted by the facility owner or operator on forms provided by the Authority. Notifications shall be submitted for approval by the Authority and accompanied by an annual fee of \$500.

(c) **Quarterly Reporting Requirements.** In addition to the written annual notification requirements of Section 476-040 (3)(c), the facility owner or operator shall submit quarterly written reports to the Authority within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by the Authority or an alternate format approved by the Authority.

(4) **Amendments.** It shall be unlawful for any person to cause or allow any deviation from the information contained in a written notice unless an amended notification has been received and approved by the Authority. Amended notifications addressed by this section shall be filed by the original applicant, received by the Authority no later than the last filed completion date, and are limited to the following revisions:

- (a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for each job size category specified in Section 476-040(2);
- (b) The asbestos or demolition project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended applications filed in accordance with

SWAPCA 476-040(4) and approved by the Authority. If an amended application results in a job size category that requires a waiting period as specified in SWAPCA 476-040(2) and the original application did not require a waiting period, the advance notification period shall commence on the approval date of the original application;

- (c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;
  - (d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;
  - (e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWAPCA 476-050 and 450-060;
  - (f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and
  - (g) Any other information requested by the Authority.
- (5) **Exemptions.** The Authority may waive the required ten (10) working day advance notification period in SWAPCA 476-040(b) for an asbestos project if the facility owner demonstrates to the Authority that there is an emergency as follows:
- (a) **Emergency Asbestos Removal - Renovation.** The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an asbestos project. The request shall be submitted for approval by the Authority and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).
  - (b) **Emergency Asbestos Removal - Demolition.** The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an emergency demolition operation if the request is accompanied by a copy of an order from a federal, state, or local government agency that requires demolition before the ten (10) working day advance notification period has elapsed. The request and copy of the order shall be submitted to the Authority for approval and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).

#### NEW SECTION

#### **SWAPCA 476-050 Procedures for asbestos emission control.**

(1) **Project requirements.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the following procedures are employed:

- (a) Any work on an asbestos project shall be performed by certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. This requirement shall not apply to certain limited asbestos projects conducted in accordance with SWAPCA 400-050(2) for residential dwellings.
- (b) All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.
- (c) No visible emissions shall result from an asbestos project.
- (d) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:
  - (i) Kept adequately wet until collected for disposal;
  - (ii) Collected for disposal at the end of each working day;
  - (iii) Contained in a controlled area at all times until transported to a waste disposal site; and
  - (iv) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or
  - (v) Transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.
- (e) Mechanical assemblies or components covered, coated, or manufactured from asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and labeled in accordance with SWAPCA 476-060 (1)(a)(iii).
  - (i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.
  - (ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak tight wrapping if:
    - (A) All access to the asbestos-containing material is welded shut; or
    - (B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand; and

- (C) The components are labeled in accordance with SWAPCA 476-060 (1)(a)(iii).
- (f) Local exhaust ventilation and collection systems used on an asbestos project shall:
  - (i) Be maintained to ensure the integrity of the system; and
  - (ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing of all components inside the enclosure. When available, existing windows may be utilized for viewing ports.
- (g) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.
- (2) **Exemptions for residential dwellings.** The requirements of SWAPCA 476-050 (1)(a) shall not apply to asbestos projects conducted in a residential dwelling by the resident owner of the dwelling.
- (3) **Demolition requirements.** It shall be unlawful for any person to cause or allow the demolition of any building, vessel, structure, or portion thereof, unless all asbestos-containing materials have been removed from the area to be demolished. It shall be unlawful for any person to cause or allow any demolition that would disturb asbestos-containing material or prevent access to the asbestos-containing material for removal and disposal.
- (4) **Demolition removal exemptions.** Asbestos-containing material need not be removed before the demolition of any building, vessel, structure, or portion thereof, if:
  - (a) The asbestos-containing material is on a component that is encased in concrete or other material determined by the Control Officer to be equally effective in controlling asbestos emissions. In this case, the notification requirements of SWAPCA 476-040 shall apply and these materials shall be kept adequately wet whenever exposed during demolition until disposed of in accordance with SWAPCA 476-060 (1)(b); or
  - (b) The asbestos-containing material could not be removed prior to demolition because it was not accessible until after demolition began. In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos containing material and asbestos contaminated debris shall be kept adequately wet at all times until disposed of in accordance with SWAPCA 476-060 (1)(b); or
  - (c) The material was not accessible for removal because of hazardous conditions. Such conditions may include environments that are contaminated by toxic substances, structures or buildings that are structurally unsound and in danger of imminent

collapse, or other conditions that are immediately dangerous to life and health. Under such conditions, the facility owner or operator may submit a signed written request for conditional approval to the Authority for approval to waive the requirements of SWAPCA 476-050(3). In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos-containing material and asbestos contaminated debris shall be kept adequately wet at all times until disposed of in accordance with SWAPCA 476-060 (1)(b). Evidence of the hazardous condition, as documented by a state or local government agency, shall accompany the written request in addition to the completed notification and appropriate fee as identified in SWAPCA 476-040. The request for exemption from SWAPCA 476-050(3) shall include, at a minimum:

- (i) The complete name, mailing address, and telephone number of the owner or operator of the facility, including the city, zip code, and county;
  - (ii) The complete street address or location of the demolition site, including the city, zip code, and county;
  - (iii) The name, title, and authority of the state or local government representative who has determined the hazardous condition;
  - (iv) A description of the hazardous condition that prevents the removal of asbestos-containing material prior to demolition, including the amount, type, and specific location(s) within the structure of such materials; and
  - (v) The procedures that will be used to prevent the release of asbestos fibers into the ambient air.
- (5) **Alternative control measures.** The owner or operator of an asbestos project may submit a signed written request to use an alternative control measure that is equally effective in controlling asbestos emissions for conditional approval by the Control Officer. The written request shall include, at a minimum:
- (a) The complete name, mailing address, and telephone number of the owner or operator of the asbestos project, including the city and zip code;
  - (b) The complete street address or location of the site, including the city, zip code, and county;
  - (c) A description of the material, including the type and percentage of asbestos in the material, total amount of material involved, and the specific location(s) of the material on the site; and
  - (d) The reason why an alternative control measure is required and a description of the proposed alternative control measure to be employed, including the procedures that will be used to prevent the release of asbestos fibers into the ambient air.

NEW SECTION**SWAPCA 476-060 Disposal of asbestos-containing waste material.**

- (1) **Disposal requirements.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material:
- (a) Treat all asbestos-containing waste material as follows:
- (i) Adequately wet all asbestos-containing waste material and mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry;
- (ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;
- (iii) Permanently label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated;
- (iv) Ensure that the exterior of each container is free of all asbestos residue; and
- (v) Exhibit no visible emissions during any of the operations required by this section.
- (b) All asbestos-containing waste material shall be deposited within ten (10) calendar days after collection for disposal at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. This requirement is modified by SWAPCA 476-040(3) for asbestos-containing waste material from asbestos projects conducted under annual applications.
- (c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWAPCA 476-060 (1)(a)(iii) and 476-060 (1)(b).
- (2) **Alternative storage method - asbestos storage facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Authority to establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material.
- (a) It is unlawful to cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the Authority.
- (b) The owner or operator must submit a completed notice for establishment of an asbestos storage facility on forms provided by the Authority. When approved, an Asbestos Storage Facility Authorization will be returned to be posted at the entrance to the facility.
- (c) An asbestos storage facility shall meet the following general conditions:
- (i) Asbestos-containing waste material must be stored in a container with a single piece liner at least 6 mil in thickness; and
- (ii) Said container must be in a secured building or in a secured exterior enclosure; and
- (iii) The container and enclosure must be locked except during transfer of asbestos-containing waste material; and
- (iv) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed the 45-day requirement of 40 CFR Part 61.150.
- (3) **Alternative disposal method - Asbestos-cement water pipe.** Asbestos-cement water pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of SWAPCA 476-060 (1)(b) if the following conditions are met:
- (a) Any asbestos-cement water pipe greater than one (1) linear foot in size may be buried on public right-of-ways or public easements if covered with at least three (3) feet or more of non-asbestos fill material; and
- (b) All asbestos-containing waste material, including asbestos-cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, shall be subject to the requirements of SWAPCA 476-010 through 476-060.

**WSR 93-10-087****PROPOSED RULES****SOUTHWEST AIR****POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:14 a.m.]

Original Notice.

Title of Rule: SWAPCA 492 Oxygenated Fuels Regulation.

Purpose: To adopt regulations to bring the Southwest Air Pollution Control Authority's regulations to be consistent with the state and federal regulations on the use of oxygenated fuels. This proposed regulation will implement existing policies and provide enforcement capability for this regulation.

Other Identifying Information: Section 492-010 is Policy and Purpose; Section 492-020 is Applicability; Section 492-030 is Definitions; Section 492-040 is Compli-

ance Requirements; Section 492-050 is Registration Requirements; Section 492-060 is Labeling Requirements; Section 492-070 is Control Areas and Control Periods; Section 492-080 is Enforcement and Compliance; Section 492-090 is Unplanned Conditions; and Section 492-100 is Severability.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: To adopt regulations to bring the southwest Air Pollution Control Authority's regulations to be complete and consistent with chapter 173-492 WAC.

Reasons Supporting Proposal: Adoption of the proposed regulation will provide conformity with state and federal regulations and provide enforcement capability for the Southwest Air Pollution Control Authority for the oxygenated fuels regulations. This adoption will implement existing policies currently in effect. A fee schedule is also proposed to continue this program by the Southwest Air Pollution Control Authority.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of the proposed regulation will provide conformity with state and federal regulations and will implement existing policies. Oxygenated fuels are required to be used in specified control areas and specified time periods to reduce carbon monoxide emissions from gasoline powered motor vehicles.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

**SWAPCA 492 - OXYGENATED FUELS  
REGULATION**

NEW SECTION

**SWAPCA 492-010 Policy and Purpose.**

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards.

NEW SECTION

**SWAPCA 492-020 Applicability.**

This regulation shall apply to all gasoline offered for sale in the control area and over the control periods defined in section SWAPCA 492-070.

NEW SECTION

**SWAPCA 492-030 Definitions.**

The following words and phrases shall have the following meanings:

- (1) "Authority" means the Southwest Air Pollution Control Authority.
- (2) "Blender" means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.
- (3) "Control area" means an area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed. Each control area is a county or group of counties administered by the Authority.
- (4) "Control period" means the period during which oxygenated gasoline must be sold or dispensed within the control area which is November 1 through February 29.
- (5) "Ecology" means the Washington State Department of Ecology.
- (6) "Gasoline" means any fuel sold for use in motor vehicles equipped with internal combustion engines, and commonly known or sold as gasoline. Blended and oxygenated fuels are considered gasoline.
- (7) "Large Volume Blender" means blenders that blend and offer for sale or sell one million gallons or more, but less than 15 million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.
- (8) "Medium Volume Blender" means blenders that blend and offer for sale or sell 100 thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.
- (9) "Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar under section 211(f)(1) of the Federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211(f)(4) of the CAA.
- (10) "Oxygenated gasoline" means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

- (11) "Small Volume Blender" means blenders that blend and offer for sale or sell less than 100 thousand gallons of oxygenated gasoline per month, on average, during a control period within a control area.
- (12) "Southwest Air Pollution Control Authority (SWAPCA)" means the regional agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7410, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.
- (13) "Very Large Volume Blender" means blenders that blend and offer for sale or sell 15 million gallons or more of oxygenated gasoline per month, on average, during a control period within a control area.

**NEW SECTION**

**SWAPCA 492-040 Compliance Requirements**

- (1) Retail Sales. No gasoline intended as a final product for fueling of motor vehicles within the control areas and control periods as defined in SWAPCA 492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.
- (2) Average Blend Requirements. Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the Authority's control areas defined in SWAPCA 492-070 supplied by blenders to purchasers within the Authority's control area defined in SWAPCA 492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.
- (3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to the Authority summarizing how the requirements of SWAPCA 492-040 (B) were met. With prior approval from the Authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by the Authority.

**NEW SECTION**

**SWAPCA 492-050 Registration Requirements.**

Each blender shall register with the Authority each year, in each control area where a blender offers for sale, sells, or dispenses gasoline. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each year or within 30 days after becoming a blender, whichever

occurs later. The following fee table shall apply to blenders:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$10,000
Very Large Volume Blender	\$50,000

**NEW SECTION**

**SWAPCA 492-060 Labeling Requirements.**

In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control periods and in the control areas stated in SWAPCA 492-070 as follows:

"The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

**NEW SECTION**

**SWAPCA 492-070 Control Areas and Control Periods.**

Beginning in 1992, the oxygenated gasoline requirements of this regulation shall apply to the following control areas during the following control period:

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Southwest	Clark	November 1	February 29

Beginning November 1, 1994, the control areas shall expand as mandated by Ecology, and the requirements of this regulation shall apply to the following control areas during the following control periods:

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Southwest	Clark, Cowlitz, Lewis, Skamania, Wahkiakum	November 1	February 29

These oxygenated fuel requirements apply only to the counties on the above list.

**NEW SECTION**

**SWAPCA 492-080 Enforcement and Compliance.**

- (1) Compliance with the requirements of this regulation shall be monitored and enforced by the Authority. Non-compliance shall be subject to the penalties and other remedies provided in 70.94 RCW.
- (2) The Authority may designate any appropriate agency of the State to assist in the compliance monitoring of this regulation.
- (3) Compliance with the standards set forth in this regulation shall be determined by use of testing methods approved by Ecology or the Authority. The maximum

accuracy tolerance of this method shall be limited to +/- 0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

**NEW SECTION**

**SWAPCA 492-090 Unplanned Conditions.**

An unplanned condition, such as an unforeseen emergency or "act of God", which may interfere with compliance to this regulation, shall be reported to the Authority as soon as possible. The responsible party shall also submit a full written report within ten days to the Authority, 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 SWAPCA 492-090 does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this regulation nor from the resulting liabilities for failure to comply. The Authority shall consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

**NEW SECTION**

**SWAPCA 492-100 Severability.**

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

**WSR 93-10-088  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY  
[Filed May 4, 1993, 11:15 a.m.]**

Original Notice.

Title of Rule: SWAPCA 493 Volatile Organic Emissions from Petroleum Contaminated Soil.

Purpose: To bring the Southwest Air Pollution Control Authority regulations up to date to reflect changes in the Washington Administrative Code and to adopt current agency policies as regulations to be enforced by the authority.

Other Identifying Information: Section 493-010 is Applicability; Section 493-020 is Definitions; Section 493-030 is General Requirements; Section 493-040 is Specific Requirements; Section 493-050 is Exemptions; Section 493-060 is General Submittal Requirements; Section 493-070 is Recordkeeping Requirements; Section 493-080 is Endangerment; and Section 493-090 is Severability.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.161.

Summary: This regulation is proposed to reflect current policy on the controls and treatment of petroleum contaminated soils. This proposed regulation provides for identification, control, treatment, reporting and recordkeeping for activities involving petroleum contaminated soil. This regulation will assist in controlling the types and amounts of

air pollutants emitted in the jurisdiction of the Southwest Air Pollution Control Authority.

Reasons Supporting Proposal: Regulations need to be provided to implement existing policies concerning the identification, control and treatment of petroleum contaminated soil to limit emissions of ozone forming contaminants to the ambient air.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed regulation will implement existing policy for the identification, control and treatment of petroleum contaminated soil to limit emissions of ozone forming contaminants to the ambient air.

Proposal does not change existing rules.

No small business economic impact statement required by chapter 19.85 RCW.

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

**SWAPCA 493 - VOLATILE ORGANIC EMISSIONS  
FROM PETROLEUM CONTAMINATED SOIL**

**NEW SECTION**

**493-010 Applicability.**

This rule limits the emission of Volatile Organic Compounds (VOCs) from soils contaminated with VOCs, generally petroleum hydrocarbons, as a result of leakage from storage or transfer facilities, from accidental spillage, or other deposition. This rule is not applicable for sites containing hazardous substances. Contaminated soils in general, should be treated in accordance with Washington Administrative Code (WAC) 173-303, Dangerous Waste Regulations, WAC 173-304, Minimum Functional Standards for Solid Waste Management, and WAC 173-340, Model Toxics Control Act.

**NEW SECTION**

**493-020 Definitions.**

- (1) "Contaminated soil sites" means any facility where there has been a confirmation of a release or a threatened release of solid, hazardous, or dangerous



- wastes or has been determined to contain compounds that present a substantial risk to human health or the environment.
- (2) "Department" means the Department of Ecology.
- (3) "Facility" means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.
- (4) "Hazardous substance" means any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the Director of Ecology by rule to present a threat to human health or the environment if released into the environment. The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.
- (5) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal.
- (6) "Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, in use of their property.
- (7) "Petroleum contaminated soil" means soil which registers the presence of 100 ppm or greater of volatile organic compounds when measured at a distance of up to three inches from the surface with an organic vapor analyzer (calibrated with hexane), laboratory analysis or any equivalent method approved by the Control Officer.
- (8) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.
- (9) "Portable remediation equipment" means a piece of equipment specifically mobilized at a location where contaminated soil is proposed to be remediated. This equipment will usually be at the location for less than one year and is not anchored to the ground. Its sole purpose is that of remediating contaminated soil.
- (10) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.
- (11) "Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.
- (12) "Site" means the same as facility.
- (13) "Soil means a mixture of organic and inorganic solids, air water, and biota which exists on the earth's surface above bedrock, including materials of anthropogenic sources such as slag, sludge, etc.
- (14) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.
- (15) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.
- (16) "Total petroleum hydrocarbons (TPH)" means any fraction of crude oil that is contained in plant condensate, crankcase motor oil, gasoline, aviation fuels, kerosene, diesel motor fuel, benzol, fuel oil, and other products derived from the refining of crude oil. For the purposes of this regulation, TPH will generally mean those fractions of the above products that are quantified by EPA Methods 8015, modified, or 418.1 as appropriate or other test methods approved by the Authority.
- (17) "Volatile organic compound (VOC)" means:
- (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 unsaturations; and
  - (iii) Sulfur containing perfluorocarbons with no unsaturations 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.
- (18) "VOC content" means the measured concentration in parts of VOC by weight per million parts of soil by weight (ppm) of organic compounds volatilized from a composite soil sample collected and analyzed using Environmental Protection Agency (EPA) Method SW-846, September 1986, or equivalent. Acceptable specific EPA methods include: 5030 purge and trap for extraction of VOC from contaminated soil; 8010, 8015 modified and 8020 for VOC content determination, or other methods approved by the Control Officer for use under this regulation.

**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**

**493-030 General requirements.**

- (1) The owner or operator shall determine if the soil is a dangerous waste as identified in WAC 173-303-070. Treatment, transportation, and disposal of dangerous wastes are subject to the dangerous waste regulations of WAC 173-303.
- (2) Owner(s) or operator(s) proposing to treat more than 100 cubic yards of material with portable remediation equipment shall provide prior written notification to the Authority. Written notification shall include at a minimum, the items identified in Section 493-040 (1)(b) of this regulation.
- (3) Emissions to the ambient air from the remediation of petroleum hydrocarbon contaminated soils shall be minimized utilizing best available control technology (BACT).
- (4) The soil to be treated shall not be classified as hazardous waste in accordance with WAC 173-304, Minimum Functional Standards for Solid Waste Management. The method to be used for evaluating solid wastes shall be EPA SW-846, Test Methods for Evaluating Solid Waste, and any revisions or amendments thereto.
- (5) Emissions to the ambient air from the petroleum contaminated soils which cause off site odors or contribute to a nuisance condition beyond the property boundary of a contaminated soil site are prohibited.

- (6) Petroleum hydrocarbon contaminated soil treatment control technologies include the following:
  - (a) The technologies listed below are recognized and accepted as being available to remediate petroleum hydrocarbon contaminated soils. The suitability of a specific technology will vary depending on the soil permeability and hydrocarbon type. Acceptable soil remediation technologies for demonstrating compliance with this section include:
    - (i) Thermal desorption
    - (ii) Soil Vapor Extraction
    - (iii) Land-filling
    - (iv) Bioremediation
    - (v) Other methods determined acceptable by the Control Officer
- (7) Cross media transfer impact (i.e., moving a water pollution problem to an air pollution problem) as noted at WAC 173-340 Section 700 (Model Toxics Control Act) shall be minimized under this section.
- (8) Cleanup action is not to rely primarily on dilution and/or dispersion if active remedial measures are technically possible as identified in WAC 173-460 Section 360.

**NEW SECTION**

**493-040 Specific requirements.**

- (1) Contaminated Soil Treatment in Attainment Areas
  - (a) New Source Review shall be required for all new sites with all types of soil remediation technologies with the following exceptions: bioremediation and businesses currently permitted with the Authority for portable remediation equipment. Sites qualifying for bioremediation where the amount of contaminated soil is 100 cubic yards or less, the owner/operator may register the source in lieu of submitting a Notice of Construction application.
  - (b) A Notice of Construction application shall not be required for businesses currently registered and permitted with the Authority for the type of remediation operation proposed (portable remediation equipment), however written notification to the Authority is required prior to operation at a new location.
    - (i) Written notification shall be provided to the Authority 30 days in advance of commencing remediation activities at a new site for soil remediation.
    - (ii) Initial soil sampling and analysis shall be performed for each site to be remediated to determine types and amounts of contaminants to be remediated. Representative soil samples shall be collected with clean and appropriate sampling equipment. Samples shall be analyzed by applicable test methods specified in EPA Laboratory Manual SW-846 "Test Meth-

PROPOSED

ods for Evaluating Solid Waste" or equivalent method. Locations of the samples shall be at representative positions within the pile. Locations shall be selected where the possibility of contamination is greatest. The number of samples collected from the contaminated soil shall as a minimum be:

<u>Cubic Yards of Soil</u>	<u>Minimum # of Samples</u>
0-100	3
101-500	5
501-1000	7
1001-2000	10
>2001	10 + 1 for each additional 500 cubic yards

(iii) The following information shall be provided with each written notification:

- (A) Name, address and phone number of person intending to engage in soil remediation.
- (B) Name, address and phone number of business for which the soil remediation is to be performed.
- (C) Name, address and phone number of contractor(s) to perform soil remediation.
- (D) Types of pollutants and amounts of contaminated soils to be treated by the process. Types and concentrations of pollutants shall be determined by representative sampling in accordance with methods specified in WAC 173-340-450. Sample analysis shall include as a minimum:
  - (1) Soil moisture content;
  - (2) Soil temperature;
  - (3) Soil pH;
  - (4) Time;
  - (5) Date; and
  - (6) Specific compounds and concentrations as noted below:
    - (a) Benzene, toluene, ethylbenzene, xylene, lead, and total petroleum hydrocarbons where leaded gasoline may be present;
    - (b) Benzene, toluene, ethylbenzene, xylene, and total petroleum hydrocarbons where unleaded gasoline may be present;
    - (c) Total petroleum hydrocarbons and other appropriate synthetic solvent or organic material where any petroleum product other than gasoline may be present;

- (d) Any other tests required by the Authority.
- (E) A description of the site to be remediated including but not limited to:
  - (1) Location;
  - (2) Hours of operation;
  - (3) Land use;
  - (4) Site conditions map indicating approximate boundaries of the property, all areas where contaminated soils are known or suspected to be located, and sampling locations; and
  - (5) Measures to be implemented that limit VOC exposure to the general public.
- (F) For the purposes of controlling emissions to the air, the soil shall be considered to be sufficiently remediated when the total petroleum hydrocarbon concentration is below 100 ppm. Samples shall be collected and analyzed by applicable test methods specified in EPA Laboratory Manual SW-846 "Test Methods for Evaluating Solid Waste" or equivalent method.
- (G) Representative composite soil samples shall be collected, analyzed, recorded, and reported to the Authority upon completion of the remediation activity.
- (H) Analysis of the samples shall be in accordance with methods specified in WAC 173-340-450. Sample analysis shall include as a minimum the determinations listed in Section 493-040 (1)(b)(3)(D) of this chapter.
- (I) A final report shall be submitted to the Authority which describes the soil remediation activities undertaken, the total amount of soil remediated, and the total amount of VOCs emitted to the atmosphere as part of the activity. This shall include contaminants emitted from the soil in addition to any other regulated air contaminants emitted from the remediation equipment or process. The final report shall be submitted no later than 30 days after the completion of remediation activities.
- (J) Remediated soil shall be disposed of in a manner consistent with other state and federal regulations concerning contaminated soils which include

but are not limited to WAC 173-303, WAC 173-304, and WAC 173-340.

- (c) Contaminated soil sites proposing to use the bioremediation technique shall submit written notification to the Authority at least 30 days in advance of the proposed action. Bioremediation shall not be authorized for soils that have a total recoverable petroleum hydrocarbon concentration greater than 3,000 ppm. Samples shall be collected and analyzed by applicable test methods specified in EPA Laboratory Manual SW-846 "Test Methods for Evaluating Solid Waste" or equivalent method.
  - (i) For sites in which VOC contaminated soil has been removed and placed on top of the ground, the contaminated soil pile shall be covered with an impermeable cover to prevent volatilization until appropriate soil remediation actions are proposed, approved and initiated.
  - (ii) The following information shall be provided with each written notification:
    - (A) Name, address and phone number of person intending to engage in bioremediation.
    - (B) Name, address and phone number of business for which the bioremediation is to be performed.
    - (C) Name, address and phone number of contractor(s) to assist with bioremediation.
    - (D) Types of pollutants and amounts of contaminated soils to be treated by the process. Types and concentrations of pollutants shall be determined by representative sampling. Samples shall be collected and analyzed by applicable test methods specified in EPA Laboratory Manual SW-846 "Test Methods for Evaluating Solid Waste" or equivalent method.
    - (E) A description of the site to be bioremediated including but not limited to:
      - (1) Location;
      - (2) Hours of operation;
      - (3) Land use;
      - (4) Contaminant concentrations;
      - (5) Site conditions map indicating approximate boundaries of the property, all areas where contaminated soils are known or suspected to be located, and sampling locations.
    - (F) The soil shall be rotary tilled once every two weeks at a minimum. A

record shall be kept and submitted with the final report identifying the actual tilling schedule and equipment used.

- (G) Soil samples shall be collected and analyzed every two weeks to determine microbial populations and moisture content of the soil. Additional moisture or microbes shall be added as necessary to provide an environment conducive to bioremediation.
- (H) The contaminated soil shall not be piled deeper than 15 inches to ensure proper treatment at all levels at the site. Additional biologic organisms may be required to be added to the contaminated soil to ensure proper soil remediation. The Authority may approve the piling of contaminated soil deeper than 15 inches provided additional approved actions are implemented to ensure the total depth of the pile is remediated.
- (I) A final report shall be submitted to the Authority which describes the soil remediation activity, the total amount of soil remediated, and the total amount of contaminants emitted to the atmosphere as part of the activity. This includes the contaminants from the soils in addition to any emissions resulting from the remediation process. The final report shall be submitted no later than 30 days after the completion of remediation activities.
- (J) Remediated soil shall be disposed of in a manner consistent with other state and federal regulations concerning contaminated soils which include (WAC 173-303; WAC 173-304; WAC 173-340).

(2) Contaminated Soil Treatment in Non-Attainment Areas

- (a) New source review shall be required for all contaminated sites with all types of soil remediation technologies with the following exceptions: bioremediation and businesses currently permitted with the Authority for use of portable remediation equipment. Sites meeting the requirements for bioremediation where the amount of contaminated soil is 100 cubic yards or less, the owner/operator may register the source in lieu of submitting a Notice of Construction application.
- (b) A Notice of Construction application shall not be required for businesses currently registered and permitted with the Authority for the type of operation proposed, however written notification to the Authority is required prior to operation at a new

location. Written notification shall include as a minimum the information identified in Section 493-400(1)(B) of this regulation.

- (c) Owner/operators of contaminated sites proposing to use bioremediation shall submit written notification to the Authority at least 30 days in advance of the proposed remediation. Bioremediation shall not be authorized for soils that have a total recoverable petroleum hydrocarbon concentration greater than 3,000 ppm as determined. Samples shall be collected and analyzed by applicable test methods specified in EPA Laboratory Manual SW-846 "Test Methods for Evaluating Solid Waste" or equivalent method.

Bioremediation of gasoline contaminated soils is allowed without New Source Review year round.

Beginning on April 1 of each year and extending through October 31 (a time period that includes the ozone season), each bioremediation site shall be converted to a 'controlled' bioremediation technique as specified in the following subsections. For sites which will not be remediated within acceptable limits prior to April 1, the owner/operator shall submit a written plan by March 1, addressing the remediation approach to be utilized after April 1.

- (i) For sites proposing bioremediation between November 1 and March 31 in which the contaminated soil has been removed and placed on top of the ground, the contaminated soil pile shall be covered with an impermeable cover to prevent volatilization until appropriate soil remediation actions are proposed, approved and initiated.
  - (A) Written notification to the Authority shall contain at a minimum the information identified in SWAPCA 493-040 (1)(b)(iii) of this regulation.
- (ii) The written plan for bioremediation between April 1 and October 31, shall address the following at a minimum:
  - (A) Specify the method to be utilized to measure the following and at what trigger level actions shall be taken:
    - (1) Supplemental nutrient type and addition frequency (i.e., some amount would be required);
    - (2) Oxygen, moisture, temperature and pH levels in the contaminated soil pile;
  - (B) Proposed rototilling frequency with a minimum of once every two weeks.
  - (C) Polyethylene, or other impervious material to be utilized, (thickness and type) that would line the bottom and cover the top of the contaminated

soil pile. The cover shall be in place between rototilling efforts.

- (D) The remediation site shall be lined and bermed to form a surface impoundment to avoid the spread of contamination.

- (iii) For the purposes of controlling emissions to the air, remediated soil shall be considered to be sufficiently remediated when the total petroleum hydrocarbon concentration is below 100 ppm.

- (A) Representative soil samples shall be analyzed, recorded, and reported to the Authority upon completion of the remediation activity.

- (B) Analysis of the samples shall be in accordance with methods specified in WAC 173-340-450. Sample analysis shall include as a minimum:

- (1) Soil moisture content;
- (2) Soil temperature;
- (3) Soil pH;
- (4) Time;
- (5) Date;
- (6) Specific compounds as noted below:

- (a) Benzene, toluene, ethylbenzene, xylene, lead, and total petroleum hydrocarbons where leaded gasoline may be present;
- (b) Benzene, toluene, ethylbenzene, xylene, and total petroleum hydrocarbons where unleaded gasoline may be present;
- (c) Total petroleum hydrocarbons and other appropriate indicator hazardous substances where any petroleum product other than gasoline may be present;
- (d) The hazardous substance stored and any likely decomposition by-products where a hazardous substance other than petroleum may be present; and
- (e) Any other tests required by the Authority.

- (C) A final report shall be submitted to the Authority which describes the soil remediation activity, the total amount of soil remediated, the amount of additional biologic ingredients added to the pile, and the total amount of contaminants emitted to the atmosphere as part of the

remediation activity. This includes the contaminants from the soils in addition to any emissions resulting from the remediation process. The final report shall be submitted no later than 30 days after the completion of remediation activities.

- (D) Remediated soil shall be disposed of in a manner consistent with other state and federal regulations concerning contaminated soils including but not limited to WAC 173-303, WAC 173-304, and WAC 173-340.

- (iv) In lieu of providing controlled bioremediation land farming during the period April 1 through October 31 of each year, the owner/operator may elect to provide a 1.1 to 1.0 offset reduction in volatile organic compound emissions. These reductions shall be obtained from either more expeditious control of other VOC sources than currently specified in a regulation/permit or through the purchase of VOC emission reductions from another company.

An alternative to the above shall be the possibility of providing additional control equipment at another source which would offset the same type and amount of emissions as that expected from treating the contaminated soil pile (e.g., providing Stage II controls on a source not currently required to have Stage II controls). Utilization of this option shall require the written approval of the Authority that the intent of this provision has been achieved by the owner/operator's written proposal.

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

**NEW SECTION**

**493-050 Exemptions.**

- (1) The following conditions are exempted from this regulation:
  - (a) Treatment of less than one (1) cubic yard of contaminated soil.
  - (b) Treatment of soils with less than 100 ppm of total petroleum hydrocarbon content.
  - (c) Removal of soil for sampling purposes pursuant to the EPA methods specified in subparagraph (b)(4).
  - (d) Accidental spillage of two (2) gallons or less of petroleum products.
  - (e) Decontamination of soil which is contaminated through natural seepage of VOCs from oil and gas wells or other natural sources.

**NEW SECTION**

**493-060 General submittal requirements.**

Unless otherwise specified by the Authority, all reports, plans, specifications, and similar information submitted under this chapter shall meet the following requirements:

- (1) Cover Letter. Include a cover letter describing the submittal and specifying the desired Authority action or response.
- (2) Number of copies. One copy of the plan or report shall be submitted to the Authority for review and approval. The Authority may require additional copies to meet public participation and interagency coordination needs.
- (3) Exhibits. Maps, figures, photographs, and tables to clarify information or conclusions shall be legible. For proposed remediation projects of 100 cubic yards or greater, all maps, plan sheets, drawings, and cross-sections shall meet the following requirements:
  - (a) To facilitate filing and handling, shall be on paper no larger than 24 x 36 inches and no smaller than 8½ x 11 inches. Photo-reduced copies of plan sheets may be submitted provided at least one full-sized copy of the photo-reduced sheets are included in the submittal.
  - (b) Identify and use appropriate and consistent scales to show all required details in sufficient clarity.
  - (c) Be numbered, titled, have a legend of all symbols used, and specify drafting or origination dates.
  - (d) Contain a North arrow.
  - (e) Use the United States Geological Survey datum as a basis for all elevations.
  - (f) For planimetric views, show a survey grid based on monuments established in the field and referenced to state plane coordinates. This requirement does not apply to conceptual diagrams or sketches when the exact location of items shown is not needed to convey the necessary information.
  - (g) For cross-sections, identify the location to be cross-sectioned so the appropriate planimetric view can be identified. A reduced diagram of a cross-section location map shall be included on the sheets with the cross-sections.
- (4) Sampling data. All sampling data shall be submitted consistent with procedures specified by this regulation.
- (5) Appendix. An appendix providing the principal information relied upon in preparation of the submittal. This should include, but is not limited to: a complete citation of references; applicable raw data; a description of reference to testing and sampling procedures used or where readily available, relevant calculations, and any other information needed to facilitate review.

NEW SECTION

**493-070 Recordkeeping requirements.**

- (1) Any remedial actions at a facility must be documented with adequate records. Such records may include: factual information or data; relevant decision documents; and any other relevant, site specific documents or information.
- (2) Unless otherwise required by the Authority, records shall be retained by the owner/operator for at least two years from the date of completion of compliance monitoring.
- (3) Records shall be retained by the owner/operator conducting remedial action unless that person is required to submit the records to the corporate headquarters.

NEW SECTION

**493-080 Endangerment.**

In the event that the Authority determines that any activity being performed at a facility is creating or has the potential to create a danger to human health or the environment, the Authority shall direct such activities to cease for such period of time as it deems necessary to abate the danger.

NEW SECTION

**493-090 Severability.**

If any provision of this regulation is held to be invalid, the remainder of this regulation shall not be affected.

**WSR 93-10-089  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed May 4, 1993, 11:16 a.m.]

Original Notice.

Title of Rule: Adding SWAPCA 403 Implementation of Regulations for Air Contaminant Sources, SWAPCA 425 Open Burning, SWAPCA 433 Solid Fuel Burning Device, SWAPCA 434 Solid Waste Incinerator Facilities, SWAPCA 435 Emergency Episode Plan, SWAPCA 460 Controls for New Sources of Toxic Air Pollutants, SWAPCA 470 Ambient Air Quality Standards for Particulate Matter, SWAPCA 474 Ambient Air Quality Standards for Sulfur Oxide, SWAPCA 475 Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide, SWAPCA 490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC), and SWAPCA 491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Purpose: To adopt regulations to bring the Southwest Air Pollution Control Authority's regulations to be consistent with those contained in the Washington Administrative Code for enforcement authority.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.457, and 70.94.745.

Summary: Regulations have been adopted to Implement Regulations for Air Contaminant Sources; Open Burning; Solid Fuel Burning Devices; Solid Waste Incinerator Facilities; Emergency Episode Plan; Toxic Air Pollutants; Standards for Particulate Matter; Sulfur Oxides; Carbon Monoxide Ozone, and Nitrogen Dioxide; VOCs; and Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Reasons Supporting Proposal: Adoption of these Washington Administrative Code requirements will provide direct enforcement capability for the Southwest Air Pollution Control Authority to simplify enforcement and aid in reducing air pollution.

Name of Agency Personnel Responsible for Drafting: Steven J. Mrazek, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this adoption is to obtain authority for enforcement of the Washington State regulations for air pollution control. Revisions of the Washington Administrative Code and the 1991 Washington Clean Air Act have resulted in the need for the Southwest Air Pollution Control Authority regulations to be revised to be consistent with state and federal regulations.

Proposal does not change existing rules.

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

Hearing Location: City of Longview, City Council Chambers, 1525 Broadway, Longview, WA, on June 15, 1993, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by June 11, 1993.

Date of Intended Adoption: June 15, 1993.

May 4, 1993  
Robert D. Elliott  
Executive Director

**SWAPCA 403  
IMPLEMENTATION OF REGULATIONS FOR AIR  
CONTAMINANT SOURCES**

NEW SECTION

**SWAPCA 403 Implementation of regulations for air contaminant sources.**

Section 173-403 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

SWAPCA 425  
OPEN BURNING

NEW SECTION

**SWAPCA 425 Open burning.**

Section 173-425 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

SWAPCA 433  
SOLID FUEL BURNING DEVICE

NEW SECTION

**SWAPCA 433 Solid fuel burning device.**

Section 173-433 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

SWAPCA 434  
SOLID WASTE INCINERATOR FACILITIES

NEW SECTION

**SWAPCA 434 Solid waste incinerator facilities.**

Section 173-434 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

SWAPCA 435  
EMERGENCY EPISODE PLAN

NEW SECTION

**SWAPCA 435 Emergency episode plan.**

Section 173-435 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

SWAPCA 460  
CONTROLS FOR NEW SOURCES OF TOXIC AIR  
POLLUTANTS

NEW SECTION

**SWAPCA 460 Controls for new sources of toxic air pollutants.**

Section 173-460 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

SWAPCA 470  
AMBIENT AIR QUALITY STANDARDS FOR  
PARTICULATE MATTER

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

NEW SECTION

**SWAPCA 470 Ambient air quality standards for particulate matter.**

Section 173-470 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

SWAPCA 474  
AMBIENT AIR QUALITY STANDARDS FOR SULFUR  
OXIDES

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

NEW SECTION

**SWAPCA 474 Ambient air quality standards for sulfur oxides.**

Section 173-474 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

SWAPCA 475  
AMBIENT AIR QUALITY STANDARDS FOR  
CARBON MONOXIDE, OZONE, AND NITROGEN  
DIOXIDE

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

NEW SECTION

**SWAPCA 475 Ambient air quality standards for carbon monoxide, ozone, and nitrogen dioxide.**

Section 173-475 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

SWAPCA 490  
EMISSION STANDARDS AND CONTROLS FOR  
SOURCES EMITTING VOLATILE ORGANIC  
COMPOUNDS (VOC)

NEW SECTION

**SWAPCA 490 Emission standards and controls for sources emitting volatile organic compounds (VOC).**

Section 173-490 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

SWAPCA 491  
EMISSION STANDARDS AND CONTROLS FOR  
SOURCES EMITTING GASOLINE VAPORS



NEW SECTION

**SWAPCA 491 Emission standards and controls for sources emitting gasoline vapors.**

Section 173-491 of the Washington Administrative Code is hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full.

**WSR 93-10-090  
WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed May 4, 1993, 11:59 a.m.]

The Department of General Administration recognizes the opportunity for additional expanded stakeholder participation and, therefore, withdraws proposed new parking program, chapter 236-14 WAC filed with your office on April 21, 1993, for publication in the Washington State Register, Issue 93-09.

John Franklin  
Director

**WSR 93-10-091  
PROPOSED RULES  
DEPARTMENT OF REVENUE**

[Filed May 4, 1993, 1:39 p.m.]

Original Notice.

Title of Rule: WAC 458-40-660 Stumpage value tables; and 458-40-670 Stumpage value adjustments.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule establishes the stumpage value of timber within the state of Washington. These values are to be used by harvesters to compute their timber tax liability for the period from July 1, 1993, through December 31, 1993. (Second Half 1993)

Name of Agency Personnel Responsible for Drafting: Gordon S. Gienty, 2735 Harrison N.W., Target Plaza Building 4, (206) 586-2903; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Target Plaza Building 4, (206) 753-2871.

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: This rule establishes the stumpage value of timber, and adjustments, throughout the state of Washington. These values are to be used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: This rule changes the stumpage values of timber throughout the state.

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 WAC 458-40-660 and 458-40-670 in order to determine the economic impact on small businesses.

The new provisions incorporated in this rule do not change the timing or frequency of tax payments, require new forms, or alter long standing and generally accepted record-keeping requirements.

This rule will have no economic impact on industry.

The economic impact of actual tax liability is beyond the scope of the small business economic impact statement and is therefore not addressed.

The department does not have the legal authority to exempt small businesses from statutory requirements merely repeated in this rule.

Taxpayers report liability on the forest excise tax return. Records that a taxpayer must keep are those necessary to determine actual tax liability or those which show a harvester's right to a deduction, credit, or exemption. There is no other compliance requirement imposed by this rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98504, on June 9, 1993, at 9:30 a.m.; and Department of Revenue Conference Room, Third Floor, Suite 300, Northtown Office Building, North 4407 Division Street, Spokane, WA, on June 11, 1993, at 1:00 p.m.

Submit Written Comments to: Gary O'Neil, Department of Revenue, Forest Tax Section, P.O. Box 47472, Olympia, WA 98504-7472, by June 11, 1993.

Date of Intended Adoption: June 30, 1993.

May 4, 1993

Gary K. O'Neil

Assistant Director

Special Programs Division

**AMENDATORY SECTION** (Amending WSR 93-02-025, filed 12/31/92, effective 1/1/93)

**WAC 458-40-660 Timber excise tax—Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period (~~January~~) July 1 through (~~June 30~~) December 31, 1993:

**((TABLE 1—Stumpage Value Table  
Stumpage Value Area 1  
January 1 through June 30, 1993**

		Stumpage Values per Thousand Board Feet Net Scribner Log Scale <sup>+</sup>					
Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$555	\$548	\$541	\$534	\$527
		2	530	523	516	509	502
		3	460	453	446	439	432
		4	255	248	241	234	227
Western Redcedar <sup>2</sup>	RC	1	738	731	724	717	710
		2	693	686	679	672	665
		3	670	663	656	649	642
		4	611	604	597	590	583

Western Hemlock <sup>2</sup>	WH	1	321	314	307	300	293
		2	292	285	278	271	264
		3	268	261	254	247	240
		4	222	215	208	201	194
Other Conifer	OC	1	321	314	307	300	293
		2	292	285	278	271	264
		3	268	261	254	247	240
		4	222	215	208	201	194
Red Alder	RA	1	104	97	90	83	76
Black Cottonwood	BC	1	80	73	66	59	52
Other Hardwood	OH	1	112	105	98	91	84
Hardwood Utility	HU	1	63	56	49	42	35
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	474	467	460	453	446
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts <sup>4</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>5</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>5</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.  
<sup>2</sup> Includes Alaska Cedar.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>5</sup> Stumpage value per lineal foot.

**TABLE 2 — Stumpage Value Table  
 Stumpage Value Area 2  
 January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$536	\$529	\$522	\$515	\$508
		2	517	510	503	496	489
		3	388	381	374	367	360
		4	255	248	241	234	227
Western Redcedar <sup>2</sup>	RC	1	824	817	810	803	796
		2	824	817	810	803	796
		3	792	785	778	771	764
		4	565	558	551	544	537
Western Hemlock <sup>2</sup>	WH	1	326	329	322	315	308
		2	333	326	319	312	305
		3	303	296	289	282	275
		4	222	215	208	201	194
Other Conifer	OC	1	326	329	322	315	308
		2	333	326	319	312	305
		3	303	296	289	282	275
		4	222	215	208	201	194
Red Alder	RA	1	104	97	90	83	76
Black Cottonwood	BC	1	80	73	66	59	52
Other Hardwood	OH	1	112	105	98	91	84

Hardwood Utility	HU	1	63	56	49	42	35
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	474	467	460	453	446
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts <sup>4</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>5</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>5</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.  
<sup>2</sup> Includes Alaska Cedar.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>5</sup> Stumpage value per lineal foot.

**TABLE 3 — Stumpage Value Table  
 Stumpage Value Area 3  
 January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$556	\$549	\$542	\$535	\$528
		2	556	549	542	535	528
		3	492	486	479	472	465
		4	255	248	241	234	227
Western Redcedar <sup>2</sup>	RC	1	873	866	859	852	845
		2	873	866	859	852	845
		3	670	663	656	649	642
		4	610	603	596	589	582
Western Hemlock <sup>4</sup>	WH	1	425	418	411	404	397
		2	425	418	411	404	397
		3	298	291	284	277	270
		4	222	215	208	201	194
Other Conifer	OC	1	425	418	411	404	397
		2	425	418	411	404	397
		3	298	291	284	277	270
		4	222	215	208	201	194
Red Alder	RA	1	104	97	90	83	76
Black Cottonwood	BC	1	80	73	66	59	52
Other Hardwood	OH	1	112	105	98	91	84
Hardwood Utility	HU	1	63	56	49	42	35
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	474	467	460	453	446
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>6</sup> Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table  
Stumpage Value Area 4  
January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling—Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$500	\$493	\$486	\$479	\$472
		2	463	456	440	442	435
		3	418	411	404	397	390
		4	233	226	219	212	205
Lodgepole Pine	LP	1	199	192	185	178	171
		2	322	315	308	301	294
Ponderosa Pine	PP	1	421	414	407	400	393
		2	322	315	308	301	294
Western Redcedar <sup>3</sup>	RC	1	773	766	759	752	745
		2	773	766	759	752	745
		3	670	663	656	649	642
		4	532	525	518	511	504
Western Hemlock <sup>4</sup>	WH	1	320	313	306	299	292
		2	319	312	305	298	291
		3	299	292	285	278	271
		4	245	238	231	224	217
Other Conifer	OC	1	320	313	306	299	292
		2	319	312	305	298	291
		3	299	292	285	278	271
		4	245	238	231	224	217
Red Alder	RA	1	104	97	90	83	76
		2	80	73	66	59	52
Black Cottonwood	BC	1	80	73	66	59	52
		2	112	105	98	91	84
Other Hardwood	OH	1	112	105	98	91	84
		2	63	56	49	42	35
Hardwood Utility	HU	1	63	56	49	42	35
		2	54	47	40	33	26
Conifer Utility	CU	1	54	47	40	33	26
		2	474	467	460	453	446
RC Shake Blocks	RCS	1	474	467	460	453	446
		2	109	102	95	88	81
RC Shingle Blocks	RCF	1	109	102	95	88	81
		2	0.45	0.45	0.45	0.45	0.45
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.25	0.25	0.25	0.25	0.25
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.50	0.50	0.50	0.50	0.50
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
		2					

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>6</sup> Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table  
Stumpage Value Area 5  
January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling—Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$514	\$507	\$500	\$493	\$486
		2	514	507	500	493	486
		3	433	426	419	412	405
		4	272	265	258	251	244
Lodgepole Pine	LP	1	199	192	185	178	171
		2	322	315	308	301	294
Ponderosa Pine	PP	1	421	414	407	400	393
		2	322	315	308	301	294
Western Redcedar <sup>3</sup>	RC	1	828	821	814	807	800
		2	828	821	814	807	800
		3	741	734	727	720	713
		4	644	637	630	623	616
Western Hemlock <sup>4</sup>	WH	1	376	369	362	355	348
		2	261	254	247	240	233
		3	250	243	236	229	222
		4	222	215	208	201	194
Other Conifer	OC	1	376	369	362	355	348
		2	261	254	247	240	233
		3	250	243	236	229	222
		4	222	215	208	201	194
Red Alder	RA	1	104	97	90	83	76
		2	80	73	66	59	52
Black Cottonwood	BC	1	80	73	66	59	52
		2	112	105	98	91	84
Other Hardwood	OH	1	112	105	98	91	84
		2	63	56	49	42	35
Hardwood Utility	HU	1	63	56	49	42	35
		2	54	47	40	33	26
Conifer Utility	CU	1	54	47	40	33	26
		2	474	467	460	453	446
RC Shake Blocks	RCS	1	474	467	460	453	446
		2	109	102	95	88	81
RC Shingle Blocks	RCF	1	109	102	95	88	81
		2	0.45	0.45	0.45	0.45	0.45
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.25	0.25	0.25	0.25	0.25
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.50	0.50	0.50	0.50	0.50
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
		2					

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>6</sup> Stumpage value per lineal foot.

**TABLE 6 — Stumpage Value Table  
Stumpage Value Area 6  
January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$464	\$457	\$450	\$443	\$436
Engelmann Spruce	ES	1	201	194	187	180	173
Lodgepole Pine	LP	1	199	192	185	178	171
Ponderosa Pine	PP	1	421	414	407	400	393
		2	322	315	308	301	294
Western Redcedar <sup>3</sup>	RC	1	462	455	448	441	434
True Firs <sup>4</sup>	WH	1	223	226	219	212	205
Western White Pine	WP	1	329	322	315	308	301
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	54	47	40	33	26
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts <sup>5</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>6</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>6</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>7</sup> Stumpage value per lineal foot.

**TABLE 7 — Stumpage Value Table  
Stumpage Value Area 7  
January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	1	189	182	175	168	161
Lodgepole Pine	LP	1	185	178	171	164	157
Ponderosa Pine	PP	1	405	398	391	384	377
		2	324	317	310	303	296
Western Redcedar <sup>3</sup>	RC	1	462	455	448	441	434
True Firs <sup>4</sup>	WH	1	208	201	194	187	180

Proposed

Western White Pine	WP	1	329	322	315	308	301
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	54	47	40	33	26
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts <sup>5</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>6</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>6</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>7</sup> Stumpage value per lineal foot.

**TABLE 8 — Stumpage Value Table  
Stumpage Value Area 10  
January 1 through June 30, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$449	\$442	\$435	\$428	\$421
		2	415	408	401	394	387
		3	374	367	360	353	346
		4	206	199	192	185	178
Lodgepole Pine	LP	1	199	192	185	178	171
Ponderosa Pine	PP	1	421	414	407	400	393
		2	322	315	308	301	294
Western Redcedar <sup>3</sup>	RC	1	766	759	752	745	738
		2	766	759	752	745	738
		3	673	666	659	652	645
		4	525	518	511	504	497
Western Hemlock <sup>4</sup>	WH	1	285	278	271	264	257
		2	284	277	270	263	256
		3	266	259	252	245	238
		4	218	211	204	197	190
Other Conifer	OC	1	285	278	271	264	257
		2	284	277	270	263	256
		3	266	259	252	245	238
		4	218	211	204	197	190
Red Alder	RA	1	104	97	90	83	76
Black Cottonwood	BC	1	80	73	66	59	52
Other Hardwood	OH	1	112	105	98	91	84
Hardwood Utility	HU	1	63	56	49	42	35
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	474	467	460	453	446

RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 2—Stumpage Value Table**  
**Stumpage Value Area 2**  
 July 1 through December 31, 1993

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$689	\$682	\$675	\$668	\$661
		2	659	652	645	638	631
		3	559	552	545	538	531
		4	500	493	486	479	472
Western Redcedar <sup>2</sup>	RC	1	1143	1136	1129	1122	1115
		2	1143	1136	1129	1122	1115
		3	858	851	844	837	830
		4	416	409	402	395	388
Western Hemlock <sup>3</sup>	WH	1	465	458	451	444	437
		2	459	452	445	438	431
		3	454	447	440	433	426
		4	315	308	301	294	287
Other Conifer	OC	1	465	458	451	444	437
		2	459	452	445	438	431
		3	454	447	440	433	426
		4	315	308	301	294	287
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196
Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>4</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>5</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>5</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 1—Stumpage Value Table**  
**Stumpage Value Area 1**  
 July 1 through December 31, 1993

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$689	\$682	\$675	\$668	\$661
		2	681	674	667	660	653
		3	559	552	545	538	531
		4	316	309	302	295	288
Western Redcedar <sup>2</sup>	RC	1	1126	1119	1112	1105	1098
		2	1126	1119	1112	1105	1098
		3	526	519	512	505	498
		4	416	409	402	395	388
Western Hemlock <sup>3</sup>	WH	1	567	560	553	546	539
		2	509	502	495	488	481
		3	450	443	436	429	422
		4	268	261	254	247	240
Other Conifer	OC	1	567	560	553	546	539
		2	509	502	495	488	481
		3	450	443	436	429	422
		4	268	261	254	247	240
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196
Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>4</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>5</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>5</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Alaska-Cedar.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>5</sup> Stumpage value per lineal foot.

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Alaska-Cedar.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>5</sup> Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 3**  
 July 1 through December 31, 1993

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$724	\$717	\$710	\$703	\$696
		2	669	662	655	648	641
		3	478	471	464	457	450
		4	309	302	295	288	281

Western Redcedar <sup>3</sup>	RC	1	1082	1075	1068	1061	1054
		2	1082	1075	1068	1061	1054
		3	788	781	774	767	760
		4	745	738	731	724	717
Western Hemlock <sup>4</sup>	WH	1	444	437	430	423	416
		2	444	437	430	423	416
		3	387	380	373	366	359
		4	259	252	245	238	231
Other Conifer	OC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	387	380	373	366	359
		4	259	252	245	238	231
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196
Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

Other Conifer	OC	1	424	417	410	403	396
		2	402	395	388	381	374
		3	378	371	364	357	350
		4	315	308	301	294	287
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196
Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>6</sup> Stumpage value per lineal foot.

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>6</sup> Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
**July 1 through December 31, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$689	\$682	\$675	\$668	\$661
		2	655	648	641	634	627
		3	615	608	601	594	587
		4	547	540	533	526	519
Lodgepole Pine	LP	1	327	320	313	306	299
Ponderosa Pine	PP	1	512	505	498	491	484
		2	396	389	382	375	368
Western Redcedar <sup>3</sup>	RC	1	1018	1011	1004	997	990
		2	1018	1011	1004	997	990
		3	700	693	686	679	672
		4	606	599	592	585	578
Western Hemlock <sup>4</sup>	WH	1	424	417	410	403	396
		2	402	395	388	381	374
		3	378	371	364	357	350
		4	315	308	301	294	287

**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
**July 1 through December 31, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$767	\$760	\$753	\$746	\$739
		2	677	670	663	656	649
		3	559	552	545	538	531
		4	398	391	384	377	370
Lodgepole Pine	LP	1	327	320	313	306	299
Ponderosa Pine	PP	1	512	505	498	491	484
		2	396	389	382	375	368
Western Redcedar <sup>3</sup>	RC	1	1195	1188	1181	1174	1167
		2	1195	1188	1181	1174	1167
		3	761	754	747	740	733
		4	382	375	368	361	354
Western Hemlock <sup>4</sup>	WH	1	442	435	428	421	414
		2	442	435	428	421	414
		3	371	364	357	350	343
		4	289	282	275	268	261
Other Conifer	OC	1	442	435	428	421	414
		2	442	435	428	421	414
		3	371	364	357	350	343
		4	289	282	275	268	261
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196

**TABLE 7—Stumpage Value Table  
Stumpage Value Area 7  
July 1 through December 31, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$351	\$344	\$337	\$330	\$323
Engelmann Spruce	ES	1	292	285	278	271	264
Lodgepole Pine	LP	1	284	277	270	263	256
Ponderosa Pine	PP	1 2	425 374	418 367	411 360	404 353	397 346
Western Redcedar <sup>3</sup>	RC	1	618	611	604	597	590
True Firs <sup>4</sup>	WH	1	292	285	278	271	264
Western White Pine	WP	1	771	764	757	750	743
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	50	43	36	29	22
RC Shake & Shingle Blocks	RCS	1	152	145	138	131	124
LP & Other Posts <sup>5</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>6</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>7</sup> Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table  
Stumpage Value Area 10  
July 1 through December 31, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1 2 3 4	\$689 655 615 547	\$682 648 608 540	\$675 641 601 533	\$668 634 594 526	\$661 627 587 519
Lodgepole Pine	LP	1	327	320	313	306	299
Ponderosa Pine	PP	1 2	512 396	505 389	498 382	491 375	484 368

Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table  
Stumpage Value Area 6  
July 1 through December 31, 1993**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$602	\$595	\$588	\$581	\$574
Engelmann Spruce	ES	1	308	301	294	287	280
Lodgepole Pine	LP	1	327	320	313	306	299
Ponderosa Pine	PP	1 2	512 396	505 389	498 382	491 375	484 368
Western Redcedar <sup>3</sup>	RC	1	618	611	604	597	590
True Firs <sup>4</sup>	WH	1	344	337	330	323	316
Western White Pine	WP	1	484	477	470	463	456
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	50	43	36	29	22
RC Shake & Shingle Blocks	RCS	1	152	145	138	131	124
LP & Other Posts <sup>5</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>6</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>7</sup> Stumpage value per lineal foot.

Western Redcedar <sup>3</sup>	RC	1	1018	1011	1004	997	990
		2	1018	1011	1004	997	990
		3	700	693	686	679	672
		4	605	598	591	584	577
Western Hemlock <sup>4</sup>	WH	1	424	417	410	403	396
		2	402	395	388	381	374
		3	378	371	364	357	350
		4	315	308	301	294	287
Other Conifer	OC	1	424	417	410	403	396
		2	402	395	388	381	374
		3	378	371	364	357	350
		4	315	308	301	294	287
Red Alder	RA	1	177	170	163	156	149
Black Cottonwood	BC	1	169	162	155	148	141
Other Hardwood	OH	1	224	217	210	203	196
Hardwood Utility	HU	1	152	145	138	131	124
Conifer Utility	CU	1	63	56	49	42	35
RC Shake Blocks	RCS	1	742	735	728	721	714
RC Shingle Blocks	RCF	1	164	157	150	143	136
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>6</sup> Stumpage value per lineal foot.

**AMENDATORY SECTION** (Amending WSR 93-02-025, filed 12/31/92, effective 1/1/93)

**WAC 458-40-670 Timber excise tax—Stumpage value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount

may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1993:

**TABLE 1—Harvest Adjustment Table**  
**Stumpage Value Areas 1, 2, 3, 4, 5, and 10**  
 ((January)) July 1 through ((June 30)) December 31, 1993

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
<b>II. Logging conditions</b>		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	- \$50.00
<b>IV. Thinning (see WAC 458-40-610(20))</b>		
Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	((-\$35.00)) - \$125.00

**TABLE 2—Harvest Adjustment Table**  
**Stumpage Value Areas 6 and 7**  
 ((January)) July 1 through ((June 30)) December 31, 1993

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00



Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$18.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

**Table 3—Domestic Market Adjustment**

**Public Timber**

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

**Private timber**

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	+ \$0.00 per MBF
Class 2:	SVA 7	- \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 93-10-093  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed May 4, 1993, 4:10 p.m.]

**Original Notice.**

Title of Rule: Amending WAC 388-15-132 Child protective services—Acceptance of reports—Eligibility for services and limits to authority; and repealing WAC 388-15-136 Central registry—Duty to maintain.

Purpose: WAC 388-15-132 is amended to include an existing statutory authority not previously written in Washington Administrative Code. WAC 388-15-136 is repealed and removes references to the obsolete central registry of child abuse which was discontinued by the 1987 legislature.

Statutory Authority for Adoption: RCW 26.44.050 and 26.44.070.

Statute Being Implemented: RCW 26.44.050 and 26.44.070.

Summary: WAC 388-15-132 is amended to include a statutory authority to photograph child victims and is amended to support DCFS policy and procedure. House-keeping repealment of WAC 388-15-136 deletes the reference to the now defunct central registry.

Reasons Supporting Proposal: WAC 388-15-132 includes a statutory authority as amended to photograph child victims. WAC 388-15-136 repealed to delete reference to the now defunct central registry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard L. Winters, Children's Administration, 586-0686.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on June 8, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Issuances by May 25, 1993. TDD #753-0699.

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 May 25, 1993.

Date of Intended Adoption: June 9, 1993.

May 4, 1993  
Rosemary Carr  
Acting Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2773, filed 3/8/89)

**WAC 388-15-132 Child protective services—Acceptance of reports—Eligibility for services and limits to authority.** (1) **Acceptance of reports.** The department shall accept a report of CA/N from any source, including ~~((one))~~ a report made anonymously. Reports shall be made directly to the department's division of children and family services (DCFS) local office per RCW 26.44.030. The department shall:

(a) ~~((The department shall))~~ Determine whether reports allege incidents, conditions, or circumstances meeting the definition of CA/N in RCW 26.44.020 and WAC 388-15-130~~((;))~~; and

(b) ~~((The department shall))~~ Have the authority to refuse to investigate reports which do not meet the statutory definition of CA/N.

(2) **Reports to law enforcement.** The department shall report to the appropriate law enforcement agency any reported incident of death, sexual abuse, or nonaccidental physical injury of a child and any incident where the CPS investigation reveals reasonable cause to believe a crime ~~((is))~~ has been committed against a child. The department

shall create and send the incident report to law enforcement (~~shall be made~~) within three working days (~~following~~):

(a) Following receipt of a complaint alleging death, sexual abuse, or nonaccidental physical injury of a child; (~~or~~)

(b) During a CPS investigation, discovery of information creating reasonable cause to believe a child died, suffered sexual abuse, or had a nonaccidental physical injury; or

(c) During a CPS investigation, discovery of information creating reasonable cause to believe a crime (~~(is)~~) has been committed against a child.

(3) **Investigation.** The department, except as provided by RCW 26.44.050 and WAC 388-15-130(2), shall be responsible for investigation of reports of suspected CA/N.

(a) The department shall begin its investigation within twenty-four hours for all CA/N reports where (~~children are~~) a child is assessed to be at risk of imminent harm(~~(s)~~);

(b) The department shall investigate all other reports meeting the legal definition of CA/N, but may determine an appropriate response time based on the assessed risk of CA/N(~~(-and)~~);

(c) The department:

(i) Shall develop and maintain records of (~~(its)~~) department investigations of CA/N per RCW 26.44.035(~~(s)~~); and

(ii) May arrange for ongoing services by another agency.

(d) Upon receiving a report of incidents, conditions, or circumstances of CA/N, the department shall:

(i) Have access to any and all records of the child in the possession of mandated reporters and (~~their~~) reporters' employers;

(ii) Have the authority to interview (~~children~~) a child without prior parental notification or consent;

(iii) Have authority to interview (~~children~~) a child outside of the presence of parents at locations determined by the department to be suitable for an interview. The child or the department may have a third party present at the interview (~~(so long as)~~) when the third party does not jeopardize the investigation (~~(is not jeopardized)~~) per RCW 26.44.030; (~~and~~)

(iv) Have authority to photograph the child victims for the purpose of documenting the physical condition of the child per RCW 26.44.050; and

(v) Notify the child's parent, guardian, or caretaker about the interview per RCW 26.44.030(9).

(e) The department shall complete the investigation within ninety days from the date of report. The department shall make written findings of all investigations including:

(i) A description of any injuries or harm inflicted on the child(~~(s)~~);

(ii) An account of the department's investigation(~~(s)~~);

(iii) The findings regarding specific allegations(~~(s)~~);

(iv) An assessment of risk to the child(~~(s)~~); and

(v) The department's disposition of the case (~~(f)~~) as described under RCW 13.34.120 and 26.44.040(~~(s)~~).

(4) **Limits to authority.** The department:

(a) Shall have the authority to share information for case planning and case consultation purposes with mandated reporters and agencies which have provided or will provide services to the child and family per RCW 26.44.030; and

(b) May share information with community child protection teams, designated members of Washington Indian

tribes, and/or citizen advisory groups to assist in case planning, consultation, and policy review per RCW 26.44.030.

(5) **Service options (ninety-day rule).** Within ninety days of receipt of a report alleging a child is at risk of CA/N, the department shall:

(a) Develop, with the family, a mutually agreed upon written service plan;

(b) File a dependency petition with the juvenile court; or

(c) Close the case.

(6) **Juvenile court case plans.** When the department files a dependency petition, the department shall develop a written social study and proposed case plan for the court to consider at the dispositional hearing per RCW 13.34.120. The department shall:

(a) Mail a dependency petition copy to the (~~(parent or)~~) parents and (~~their~~) the parents' attorney (~~(at least)~~) ten or more days (~~(prior to)~~) before the disposition hearing(~~(s)~~); and

(b) Provide the (~~(parent or)~~) parents an opportunity to review and comment on the plan at the local DCFS office.

(7) **Reopening closed cases.** The department may reopen any closed case (~~(may be reopened by the department)~~) for good cause including, but not limited to:

(a) Further allegations of CA/N;

(b) Additional information pertaining to the department's investigation; or

(c) When necessary witnesses or other persons, (~~(e.g.)~~) for example, parent or child, are located or become available to complete the investigation.

(8) **Length of eligibility.** Any child reported to the department shall be eligible for child protective services. A child shall remain eligible until (~~(he or she)~~) the child is no longer:

(a) Abused or neglected; or (~~(is no longer)~~)

(b) At risk of CA/N subject to the provisions of WAC 388-15-130 and 388-15-132.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-136 Central registry—Duty to maintain.

#### WSR 93-10-093 PROPOSED RULES DEPARTMENT OF FISHERIES

[Filed May 4, 1993, 4:25 p.m.]

Original Notice.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Change sturgeon size limits; change halibut season opening date; limit clamming at Camano Island state park; delay opening of Puyallup River.

Reasons Supporting Proposal: Oregon and Washington are coordinating sturgeon size limits; the halibut season was

set by federal rule; the clam population at Camano Island cannot sustain additional harvesting pressure; White River chinook returning to the Puyallup River need protection.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, P.O. Box 43147, Olympia, WA 98504-3147, 902-2930; Implementation: Gene DiDonato, P.O. Box 43149, Olympia, WA 98504-3149, 902-2625; and Enforcement: Dayna Matthews, P.O. Box 43147, Olympia, WA 98504-3147, 902-2927.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend sturgeon size limits for Oregon-Washington compatibility in concurrent waters of the Columbia River; change halibut, Camano Island, and Puyallup River salmon seasons.

Proposal Changes the Following Existing Rules: WAC 220-56-240 Sturgeon size; 220-56-255 Halibut—Season; 220-56-350 Camano Island clam season; and 220-57-370 Puyallup River chinook season.

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

These proposals do not affect 10% of the businesses in any one three-digit industrial classification nor 20% of all small businesses.

Hearing Location: Ilwaco High School Cafeteria, 404 School Street, Ilwaco, WA, on June 15, 1993, at 7:00 p.m.

Submit Written Comments to: Evan Jacoby, 1111 Washington Street S.E., P.O. Box 43147, Olympia, WA 98504-3147, by June 15, 1993.

Date of Intended Adoption: July 1, 1993.

May 4, 1993  
Judith Freeman  
Deputy  
for Robert Turner  
Director

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-56-240 Bag limits—Other food fish.** It is unlawful for any one person to fish for or possess in any one day more than the following quantities and sizes of food fish taken for personal use:

(1) Sturgeon:

(a) 1 fish not less than 48 inches nor more than ~~((60))~~ 66 inches in length in the Columbia River and tributaries upstream from the ~~((point where the Columbia River ceases to be the common boundary between Washington and Oregon (located approximately 6.5 miles downstream of Wallula)))~~ Dalles Dam to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) ~~((1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from the Dalles Dam to the point where the Columbia River ceases to be the common boundary between Washington and Oregon (located approximately 6.5 miles downstream of Wallula).))~~

~~((e)))~~ 2 fish with the following size restrictions in ~~((the Columbia River and tributaries upstream from the Buoy 10 Line to the Dalles Dam))~~ all other state waters:

(i) Minimum size is ~~((40))~~ 42 inches in length;

(ii) Maximum size is ~~((72))~~ 66 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

~~((d))~~ 2 fish in all other state waters with the following size restrictions:

~~((i))~~ Minimum size is 40 inches in length;

~~((ii))~~ Maximum size is 60 inches in length;

~~((iii))~~ Not more than one of the two fish may be less than 48 inches in length; and

~~((iv))~~ Not more than one of the two fish may equal or exceed 48 inches in length.

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

~~((f)))~~ (d) There is an annual personal use bag limit of ~~((15))~~ 10 sturgeon.

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

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

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

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-56-255 Halibut—Season.** It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Areas 1 and 2: May 20 through June 10 - Thursdays and Fridays only. July 2 through September 30 - Fridays only.

(2) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: May 1 until 85 percent of the quota has been taken; July 2 until the quota has been taken Fridays and Saturdays only.

(3) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May 13 through July ~~((15))~~ 18 - Open 12:01 a.m. Thursday through 11:59 p.m. Tuesday of each week during the open period (closed Wednesdays).

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point - DNR Beach 57-B is open April 16 through May 15.

(b) Camano Island State Park: Open June 1 through June 30.

(c) Fort Flagler State Park: Open April 16 through June 15.

~~((e))~~ (d) Garrison Bay: Tidelands at Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed the entire year.

~~((d))~~ (e) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

~~((e))~~ (f) Hope Island State Park: Open April 16 through June 30.

~~((f))~~ (g) Illahee State Park: Open April 16 through July 31.

~~((g))~~ (h) Kayak Point County Park: All tidelands are closed except tidelands north of the county fishing pier are open April 16 through May 15 of even-numbered years and tidelands south of the county fishing pier are open April 16 through May 15 of odd-numbered years.

~~((h))~~ (i) Oak Bay, East: Open April 16 through May 31.

~~((i))~~ (j) Oak Bay, West: Open April 16 through June 30.

~~((j))~~ (k) Oyster Reserves: Puget Sound state oyster reserves are closed the entire year except the following are open the entire year:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.

(ii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

~~((k))~~ (l) Penrose Point State Park: Open April 16 through April 30.

~~((l))~~ (m) Point Whitney: Open April 16 through May 31.

~~((m))~~ (n) Point Whitney Lagoon: Open May 15 through May 31.

~~((n))~~ (o) Point White: Open April 16 through September 30.

~~((o))~~ (p) Rendsland Creek: Open April 16 through June 15.

~~((p))~~ (q) Shine Tidelands: Open April 16 through July 15.

~~((q))~~ (r) Spencer Spit State Park: Open April 16 through July 31.

~~((r))~~ (s) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((s))~~ (t) Twanoh State Park: Closed the entire year.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-370 Puyallup River.** Bag Limit A - July ~~((+))~~ 16 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge.

**WSR 93-10-100  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY**  
[Filed May 5, 1993, 9:00 a.m.]

Original Notice.

Title of Rule: WAC 173-19-240 and 173-19-2401, Jefferson County and Port Townsend 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 Jefferson County and the city of Port Townsend. It addresses new aquaculture technologies.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Linda Whitcher, Box 47600, Olympia, 98504-7600, (206) 459-6789; Implementation and Enforcement: D. Rodney Mack, Box 47600, Olympia, 98504-7600, 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 purpose of this rule is to provide policies and standards for new aquaculture technologies that may be utilized in the Jefferson County/Port Townsend area. Floating, seabed and upland aquaculture are addressed as intensive, extensive and passive aquaculture development.

Proposal Changes the Following Existing Rules: This 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.

A small business economic impact statement is not required.

Hearing Location: Jefferson County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368, on June 10, 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 47600, Olympia, WA 98504-7600, by June 20, 1993.

Date of Intended Adoption: August 3, 1993.

May 4, 1993  
Terry Husseman  
Deputy Director

rule. The retained portions of the existing state confined space standards are more effective than OSHA. The following areas are those that are not identical to the federal final rule: For clarification, contact chemical agents defined in WAC 296-62-07003 are included in WAC 296-62-14501 (6)(a) through (c). Specific requirements for protection from mechanical hazards, electrical hazards, use of toxic and/or flammable materials, and hot work; removal of flammable or toxic material; and corrosive and toxic chemicals in relation to personal protective equipment are retained in WAC 296-62-14505 (4) through (9). WAC 296-62-14505 (11)(b)(v) through (viii) retains the state requirements for an attendant and fire extinguishing and emergency lighting equipment. The federal standard allows entry without an attendant or required equipment. Example 1. in Appendix C is illustrated as a "tank entry" rather than the OSHA example of "sewer entry," because a sewer is very unlikely to ever be classified as an entry without permit space. Therefore references in Appendix C are revised to reflect this change. Example 1. in Appendix C at WAC 296-62-14547 (2)(a) through (b), entry without permit, is changed to illustrate the retention of the current state regulation to have an attendant on duty while entrants are in confined spaces. Also in Appendix C, proposed is one deletion and two amendments to rescue operations. The comparable reference to "rescue" in the federal rule is omitted at WAC 296-62-14547(3) because it does not properly reflect state regulations. In both WAC 296-62-14547 (4)(f)(iv) and (g), the reference to rescue is expanded to include the employer's trained rescue team. New section WAC 296-62-14553, Appendix F is proposed. This section adds an example of a hot work permit form, which was not addressed in the new federal requirements for written permit-entry into confined spaces. Compliance with the provisions of these amended and new standards will effectively provide more comprehensive protection to employees who work in confined spaces from injury or death. Federal-initiated proposed housekeeping amendments to WAC 296-62-07105, 296-62-07711, and 296-62-3090 are made to correct and clarify references to the proposed amended and new sections in WAC 296-62-14501 through 296-62-14553; chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed housekeeping amendments to WAC 296-155-012, 296-155-203, 296-155-20301, 296-155-20307, and 296-155-24510 are made to correct and clarify references to the proposed amended and new sections in WAC 296-62-14501 through 296-62-14553; chapter 296-155 WAC, Safety standards for construction work, state-initiated proposed housekeeping amendments are made to WAC 296-155-300, 296-155-305, and 296-155-310 to correct references to the American National Standards Institute Manual on Uniform Traffic Control Devices for Streets and Highways and delete a table that is not applicable. Federal-initiated proposed amendments are made to WAC 296-155-444, 296-155-447, 296-155-449, 296-155-459, and 296-155-462 to change the 750 volts requirement to 600 volts. These proposed amendments will make the existing state standards at-least-as-effective-as the comparable federal final rules, by incorporated United States Department of Labor, Occupational Safety and Health Administration recommendations, dated June 10, 1991; and chapter 296-304 WAC, Ship repairing, shipbuilding and shipbreaking, federal-initiated proposed housekeeping amendments to

**AMENDATORY SECTION** (Amending Order 92-60, filed 3/24/93, effective 4/24/93)

**WAC 173-19-2401 Port Townsend, city of.** City of Port Townsend master program approved December 20, 1974. Revision approved March 7, 1989. Approved for adoption March 23, 1993. Revision approved August 4, 1993.

**AMENDATORY SECTION** (Amending Order DE 88-56 and DE 88-56A, filed 3/24/89 and 3/14/90, effective 4/14/90)

**WAC 173-19-240 Jefferson County.** Jefferson County master program approved December 20, 1974. Revision approved August 12, 1982. Revision approved July 6, 1983. Revision approved March 7, 1989. Revision approved August 4, 1993.

**WSR 93-10-101  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Order 93-04—Filed May 5, 1993, 9:06 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-24 WAC, General safety standards, state-initiated proposed housekeeping amendment to WAC 296-24-11003. This amendment changes "section" to "part" for clarification. Federal-initiated proposed amendment is made to WAC 296-24-70007, to be at-least-as-effective-as the federal final rule relating to confined space published in Federal Register Volume 58, Number 9, dated January 14, 1993; chapter 296-56 WAC, Longshore, stevedore, and related waterfront operations, federal-initiated proposed amendments are made to WAC 296-56-60005 and 296-56-60235, to be at-least-as-effective-as the federal final rule relating to confined space, published in Federal Register Volume 58, Number 9, dated January 14, 1993; chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments and new sections are made to be at-least-as-effective-as the federal final rule, relating to confined space, published in Federal Register Volume 58, Number 9, dated January 14, 1993. The United States Department of Labor, Occupational Safety and Health Administration (OSHA) has determined, based on its review of the rulemaking record, that the existing standards do not adequately protect workers in confined spaces from atmospheric, mechanical and other hazards. It was also determined that the ongoing need for monitoring, testing and communication at workplaces which contain entry permit confined spaces can be satisfied only through the implementation of a comprehensive confined space entry program. The state has existing standards specifically addressing confined space hazards, however, they do not address the new OSHA requirements for written permit-entry into confined spaces. There are some areas within the proposed amended and new sections that differ from the federal final

WAC 296-304-01001, 296-304-02003, 296-304-03001, 296-304-03005, 296-304-03007, 296-304-04001, 296-304-04005, and 296-304-09003 are to clarify references to the proposed amendments and new sections in WAC 296-62-14501 through 296-62-14553. State-initiated proposed amendments are made to correct references of WAC 296-304-09003, where applicable.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, and [49.17].060.

Summary: See Purpose above and Small Business Economic Impact Statement below.

Reasons Supporting Proposal: To provide a safe and healthful workplace for all Washington employees.

Name of Agency Personnel Responsible for Drafting: Ray V. Wax, 7273 Linderson Way, Tumwater, WA, (206) 956-5526; Implementation and Enforcement: Suzanne Mager, Acting Assistant Director for Safety and Health.

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

Rule is necessary because of federal law, Federal Register Volume 58, Number 9, dated January 14, 1993.

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not, for the following reasons: Chapter 296-24 WAC, General safety standards, state-initiated proposed housekeeping amendment to WAC 296-24-11003. This [is a] housekeeping amendment. There will be no new compliance requirements or economic impact on small business. Federal-initiated proposed amendment is made to WAC 296-24-70007, to be at-least-as-effective-as the federal final rule relating to confined space published in Federal Register Volume 58, Number 9, dated January 14, 1993. This amendment is proposed solely to conform or comply with federal laws and regulations; chapter 296-56 WAC, Longshore, stevedore, and related waterfront operations, federal-initiated proposed amendments are made to WAC 296-56-60005 and 296-56-60235, to be at-least-as-effective-as the federal final rule relating to confined space published in Federal Register Volume 58, Number 9, dated January 14, 1993. These amendments are proposed solely to conform or comply with federal laws and regulations; chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments and new sections are being made to be at-least-as-effective-as the federal final rule, relating to confined space, published in Federal Register Volume 58, Number 9, dated January 14, 1993. These amendments are proposed to conform or comply with federal laws and regulations. The retention of existing requirements does not add any new compliance requirements. State-initiated proposed new section WAC 296-62-14553, is nonmandatory and contains no new compliance requirements. Federal-initiated proposed housekeeping amendments to WAC 296-62-07105, 296-62-07711, and 296-62-3090 are made to correct and clarify references to the proposed amended and new sections in WAC 296-62-14501 through

296-62-14553. These amendments are proposed solely to conform or comply with federal laws and regulations; chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed housekeeping amendments to WAC 296-155-012, 296-155-203, 296-155-20301, 296-155-20307, and 296-155-24510 are made to correct and clarify references to the proposed amended and new sections in WAC 296-62-14501 through 296-62-14553. These amendments are proposed solely to conform or comply with federal laws and regulations. State-initiated proposed housekeeping amendments are made to WAC 296-155-300, 296-155-305, and 296-155-310 to correct references to the American National Standards Institute Manual on Uniform Traffic Control Devices for Streets and Highways and delete a table that is not applicable. There will be no new compliance requirements or economic impact on small business. Federal-initiated proposed amendments are made to WAC 296-155-444, 296-155-447, 296-155-449, 296-155-459, and 296-155-462 to change the 750 volts requirement to 600 volts. These proposed amendments will make the existing state standards at-least-as-effective-as the comparable federal final rules, by incorporated United States Department of Labor, Occupational Safety and Health Administration recommendations, dated June 10, 1991. These amendments are proposed solely to conform or comply with federal laws and regulations; and chapter 296-304 WAC, Ship repairing, shipbuilding and shipbreaking, federal-initiated proposed housekeeping amendments to WAC 296-304-01001, 296-304-02003, 296-304-03001, 296-304-03005, 296-304-03007, 296-304-04001, 296-304-04005, and 296-304-09003 are to clarify references to the proposed amendments and new sections in WAC 296-62-14501 through 296-62-14553. State-initiated proposed amendments are made to correct references of WAC 296-304-09003, where applicable. these amendments are proposed solely to conform or comply with federal laws and regulations. The state-initiated proposed amendment is for housekeeping only. There will be no new compliance requirements or economic impact on small business.

Hearing Location: 7273 Linderson Way, Auditorium, Tumwater, WA 98504-4620, on June 9, 1993, at 1:00 p.m.

Submit Written Comments to: Suzanne Mager, Acting Assistant Director, Industrial Safety and Health, by June 18, 1993.

Date of Intended Adoption: July 12, 1993.

May 5, 1993  
Mark O. Brown  
Director

**AMENDATORY SECTION** (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

**WAC 296-24-11003 Definitions applicable to this ((section)) Part.** (1) Affected employee. An employee whose job requires him/her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

(2) Authorized employee. A person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected

employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this ~~(section)~~ Part.

(3) Capable of being locked out. An energy isolating device is capable of being locked out if it has a hasp or other means of attachment to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices are capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

(4) Energized. Connected to an energy source or containing residual or stored energy.

(5) Energy isolating device. A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches, and other control circuit type devices are not energy isolating devices.

(6) Energy source. Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy, including gravity.

(7) Hot tap. A procedure used in the repair, maintenance, and services activities which involves welding on a piece of equipment (pipelines, vessels, or tanks) under pressure, in order to install connections or appurtenances. It is commonly used to replace or add sections of pipeline without the interruption of service for air, gas, water, steam, and petrochemical distribution systems.

(8) Lockout. The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

(9) Lockout device. A device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in the safe position and prevents the energizing of a machine or equipment. Included are blank flanges and bolted slip blinds.

(10) Normal production operations. The utilization of a machine or equipment to perform its intended production function.

(11) Servicing and/or maintenance. Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning, or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

(12) Setting up. Any work performed to prepare a machine or equipment to perform its normal production operation.

(13) Tagout. The placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and

the equipment being controlled may not be operated until the tagout device is removed.

(14) Tagout device. A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-70007 Work in confined spaces.** (1) General. As used herein confined space (~~is intended to mean a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship~~) means a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

(2) Ventilation. Ventilation is a prerequisite to work in confined spaces. For ventilation requirements see WAC 296-24-71501 through 296-24-71525.

(3) Securing cylinders and machinery. When welding or cutting is being performed in any confined spaces the gas cylinders and welding machines shall be left on the outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement.

(4) Lifelines. Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing him in case of emergency. When safety belts and lifelines are used for this purpose they shall be so attached to the welder's body that his body cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be capable of putting rescue operations into effect.

(5) Electrode removal. When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine disconnected from the power source.

(6) Gas cylinder shutoff. In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the fuel-gas and oxygen supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable the torch and hose shall also be removed from the confined space.

(7) Warning sign. After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other workers.



**AMENDATORY SECTION** (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60005 Definitions.** (1) "Apron" means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

(2) "Assistant director for the division of industrial safety and health" means the assistant director of industrial safety and health, department of labor and industries or his authorized representative.

(3) "Authorized," in reference to an employee's assignment, means selected by the employer for that purpose.

(4) "Cargo door" (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

(5) "Cargo packaging" means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

(6) "Confined space" means ~~((any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include, but are not limited to, intermodal tank containers, ballwater tanks, bins, storage tanks, boilers, ventilation or exhaust ducts, tunnels, and portable tanks))~~ a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

(7) "Conveyor" means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

(8) "Danger zone" means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

(9) "Designated person" means a person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

(10) "Dock" means a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

(11) "Dock facilities" includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

(12) "Dockboard" (bridge plate or car plate) means a device utilized to span the gap between railroad cars, or between railroad cars or highway vehicles and the loading

dock or platform. A car plate may be fixed, adjustable, portable, powered, or unpowered.

(13) "Enclosed space" means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

(14) "Examination," as applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

(15) "Flammable atmosphere" means an atmosphere containing more than ten percent of the lower flammable limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

(16) "Front-end attachments."

(a) As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

(b) As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

(17) "Fumigant" is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

(18) "Hazardous cargo, material, substance or atmosphere" means:

(a) Any substance listed in chapter 296-62 WAC;

(b) Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;

(c) Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173;

(d) Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

(e) Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

(19) "House falls" means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

(20) "Inspection," as applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

(21) "Intermodal container" means a reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling.



The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

(22) "Loose gear" means removable or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

(23) "Marina" means a small harbor or boat basin providing dockage, supplies, and services for small craft.

(24) "Marine terminal" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

**AMENDATORY SECTION** (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60235 Welding, cutting and heating (hot work).** (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until ~~((a designated person has tested the atmosphere and determined that it is not hazardous))~~ all requirements of chapter 296-62 WAC Part M, are met.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employ-

ees or flammable or combustible materials are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

(iv) Shall be secured when moved by vehicle;

(v) Shall be secured while in use;

(vi) Shall have valves closed when cylinders are empty, being moved or stored;

(vii) Shall be secured upright except when hoisted or carried;

(viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) Shall not be thawed by boiling water;

(x) Shall not be exposed to sparks, hot slag, or flame;

(xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) Shall not be used as rollers or supports;

(xiii) Shall not have contents used for purposes not authorized by the supplier;

(xiv) Shall not be used if damaged or defective;

(xv) Shall not have gases mixed within, except by gas suppliers;

(xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) Use of fuel gas. Fuel gas shall be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose.

(i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not be interchangeable. Hoses having more than one gas passage shall not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.2 cm of each 30.5 cm) shall be taped.

(iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before re-use. Defective hose shall not be used.

(iv) Hose couplings shall not unlock or disconnect without rotary motion.

(v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes shall be ventilated.

(d) Torches.

(i) Torch tip openings shall only be cleaned with devices designed for that purpose.

(ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.

(iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.

(e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

(5) Arc welding and cutting.

(a) Manual electrode holders.

(i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.

(b) Welding cables and connectors.

(i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operation, taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.

(c) Ground returns and machine grounding.

(i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections shall be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.

(e) Hot electrode holders shall not be dipped in water.

(f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect shall not be used.

(h)(i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, they shall wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.

(6) Ventilation and employee protection in welding, cutting and heating.

(a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c)(ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall, in addition to the requirements of (~~WAC 296-62-145 through 296-62-14529~~) chapter 296-62 WAC Part M, ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear supplied air respirators in accordance with WAC 296-62-071 et seq. and a standby observer on the outside shall maintain communication with employees inside the space and shall be equipped and prepared to provide emergency aid.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-62 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-62 WAC.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c)(i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-62 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution shall be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (10.2 cm) from the area of

heat application or employees shall be protected by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering . . . . .	2
Torch Brazing . . . . .	3 or 4
Light cutting, up to 1 inch . . . . .	3 or 4
Medium cutting, 1-6 inches . . . . .	4 or 5
Heavy cutting, over 6 inches . . . . .	5 or 6
Light gas welding, up to 1/8 inch . . . . .	4 or 5
Medium gas welding, 1/8-1/2 inch . . . . .	5 or 6
Heavy gas welding, over 1/2 inch . . . . .	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes . . . . .	10
Inert gas Metal-Arc Welding (non-ferrous) 1/16 to 5/32-inch electrodes . . . . .	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes . . . . .	12
5/16 and 3/8-inch electrodes . . . . .	14

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-62-07105 Definitions.** (1) Abrasive-blasting respirator. See "respirator." A respirator designed to protect the wearer against inhalation of abrasive material and against impact and abrasion from rebounding abrasive material.

(2) Accepted. Reviewed and listed as satisfactory for a specified use by the director or his or her designee.

(3) Aerodynamic diameter. The diameter of a unit density sphere having the same settling velocity as the particle in question of whatever shape and density.

(4) Aerosol. A system consisting of particles, solid or liquid, suspended in air.

(5) Air-line respirator. See "respirator."

(6) Air-purifying respirator. See "respirator."

(7) Air-regulating valve. An adjustable valve used to regulate, but which cannot completely shut off the airflow to the facepiece, helmet, hood, or suit of an air-line respirator.

(8) Air-supply device. A hand- or motor-operated blower for the hose mask, or a compressor or other source of respirable air for the air-line respirator.

(9) Approved. Tested and listed as satisfactory by the Bureau of Mines (BM) of the U.S. Department of Interior,

or jointly by the Mining Enforcement and Safety Administration (MESA) of the U.S. Department of Interior and the National Institute for Occupational Safety and Health (NIOSH) of the U.S. Department of Health and Human Services, or jointly by the Mine Safety and Health Administration (MSHA) of the U.S. Department of Labor and NIOSH under the provisions of Title 30, Code of Federal Regulations, Part 11.

(10) Bioassay. A determination of the concentration of a substance in a human body by an analysis of urine, feces, blood, bone, or tissue.

(11) Breathing tube. A tube through which air or oxygen flows to the facepiece, mouthpiece, helmet, hood, or suit.

(12) Canister (air-purifying). A container with a filter, sorbent, or catalyst, or any combination thereof, which removes specific contaminants from the air drawn through it.

(13) Canister (oxygen-generating). A container filled with a chemical which generates oxygen by chemical reaction.

(14) Carcinogen. A substance known to produce cancer in some individuals following a latent period (for example: Asbestos, Chromates, radioactive particulates).

(15) Cartridge (air-purifying). A small canister.

(16) Catalyst. In respirator use, a substance which converts a toxic gas (or vapor) into a less-toxic gas (or vapor).

(17) Ceiling concentration. The concentration of an airborne substance that shall not be exceeded.

(18) Chemical-cartridge respirator. See respirator.

(19) Confined space. ((See ~~WAC 296-62-14501(1)~~); Chapter 296-62 WAC Part M.)

(20) Contaminant. A harmful, irritating, or nuisance material that is foreign to the normal atmosphere.

(21) Corrective lens. A lens ground to the wearer's individual corrective prescription to permit normal visual acuity.

(22) Demand. A type of self-contained breathing apparatus or type of air-line respirator which functions due to the negative pressure created by inhalation (i.e., air flow into the facepiece on "demand").

(23) Detachable coupling. A device which permits the respirator wearer, without using hand tools, to detach the air-supply line from that part of the respirator worn on the person.

(24) Dust. See WAC 296-62-07001(1).

(25) Emergency respirator use. Wearing a respirator when a hazardous atmosphere suddenly occurs that requires immediate use of a respirator either for escape from the hazardous atmosphere or for entry into the hazardous atmosphere.

(26) Exhalation valve. A device that allows exhaled air to leave a respirator and prevents outside air from entering through the valve.

(27) Eyepiece. A gas-tight, transparent window(s) in a full facepiece, helmet, hood, or suit, through which the wearer may see.

(28) Facepiece. That portion of a respirator that covers the wearer's nose and mouth in quarter-mask (above the chin) or half-mask (under the chin) facepiece or that covers the nose, mouth, and eyes in a full facepiece. It is designed to make a gas-tight or particle-tight fit with the face and

includes the headbands, exhalation valve(s), and connections for an air-purifying device or respirable gas source, or both.

(29) Face shield. A device worn in front of the eyes and a portion of, or all of, the face, whose predominant function is protection of the eyes and the face.

(30) Fibrosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce findings of fibrotic growth that may cause pulmonary disease.

(31) Filter. A media component used in respirators to remove solid or liquid particles from the inspired air.

(32) Filter respirator. See respirator.

(33) Fog. A mist of sufficient concentration to perceptibly obscure vision.

(34) Full facepiece. See facepiece.

(35) Fume. See WAC 296-62-07001(2).

(36) Gas. An aeriform fluid which is in the gaseous state at ordinary temperature and pressure.

(37) Gas mask. See respirator.

(38) Goggle. A device, with contour-shaped eyecups with glass or plastic lenses, worn over eyes and held in place by a headband or other suitable means for the protection of the eyes and eye sockets.

(39) Half-mask facepiece. See facepiece.

(40) Hazardous atmosphere. Any atmosphere, either immediately or not immediately dangerous to life or health, which is oxygen deficient or which contains a toxic or disease-producing contaminant.

(41) Head harness. That part of a facepiece assembly which secures the facepiece to the wearer.

(42) Helmet. That portion of a respirator which shields the eyes, face, neck, and other parts of the head.

(43) High-efficiency filter. A filter which removes from air 99.97% or more of monodisperse dioctyl phthalate (DOP) particles having a mean particle diameter of 0.3 micrometer.

(44) Hood. That portion of a respirator which completely covers the head, neck, and portions of the shoulders.

(45) Hose mask. See respirator.

(46) Immediately dangerous to life or health (IDLH). Any atmosphere that poses an immediate hazard to life or produces immediate irreversible debilitating effects on health.

(47) Inhalation valve. A device that allows respirable air to enter a respirator and prevents exhaled air from leaving the respirator through the valve.

(48) Irrespirable. Unfit for breathing.

(49) Maximum use limit of filter, cartridge, or canister. The maximum concentration of a contaminant for which an air-purifying filter, cartridge, or canister is approved for use.

(50) Mist. See WAC 296-62-07001(4).

(51) Mouthpiece. That portion of a respirator which is held in the wearer's mouth and is connected to an air-purifying device or respirable gas source, or both. It is designed to make a gas-tight or particle-tight fit with the mouth.

(52) MPCa. Maximum permissible airborne concentration. These concentrations are set by the National Committee on Radiation Protection. They are recommended maximum average concentrations of radionuclides to which a worker may be exposed, assuming that he works 8 hours a day, 5 days a week, and 50 weeks a year.

(53) Negative pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is

positive during exhalation in relation to the air pressure of the outside atmosphere and negative during inhalation in relation to the air pressure of the outside atmosphere.

(54) Nonroutine respirator use. Wearing a respirator when carrying out a special task that occurs infrequently.

(55) Nose clamp. A device used with a respirator equipped with a mouthpiece that closes the nostrils of the wearer (sometimes called a nose clip).

(56) Not immediately dangerous to life or health. Any hazardous atmosphere which may produce physical discomfort immediately, chronic poisoning after repeated exposure, or acute adverse physiological symptoms after prolonged exposure.

(57) Odor threshold limit. The lowest concentration of a contaminant in air that can be detected by the olfactory sense.

(58) Oxygen deficiency - immediately dangerous to life or health. An atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor.

(59) Oxygen deficiency - not immediately dangerous to life or health. An atmosphere having an oxygen concentration below the minimum legal requirement of 19.5% by volume for respirable air at sea-level conditions, but above that which is immediately dangerous to life or health.

(60) Particulate matter. A suspension of fine solid or liquid particles in air, such as: Dust, fog, fume, mist, smoke, or spray. Particulate matter suspended in air is commonly known as an aerosol.

(61) Permissible exposure limit (PEL). The legally established time-weighted average (TWA) concentration or ceiling concentration of a contaminant that shall not be exceeded.

(62) Pneumoconiosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce signs, symptoms, and findings of pulmonary disease.

(63) Positive-pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

(64) Powered air-purifying respirator. See respirator.

(65) Pressure demand. Similar to a demand type respirator but so designed to maintain positive pressure in the facepiece at all times.

(66) Protection factor. The ratio of the ambient concentration of an airborne substance to the concentration of the substance inside the respirator at the breathing zone of the wearer. The protection factor is a measure of the degree of protection provided by a respirator to the wearer. As used herein, a protection factor is synonymous with the fit factor assigned to a respirator facepiece by the use of qualitative and quantitative fitting tests.

(67) Rescue respirator use. Wearing a respirator for entry into a hazardous atmosphere to rescue a person(s) in the hazardous atmosphere.

(68) Resistance. Opposition to the flow of air, as through a canister, cartridge, particulate filter, orifice, valve, or hose.

(69) Respirable. Suitable for breathing.

(70) Respirator. A device designed to protect the wearer from the inhalation of harmful atmospheres.

(71) Respiratory-inlet covering. That portion of a respirator which connects the wearer's respiratory tract to an air-purifying device or respirable gas source, or both. It may be a facepiece, helmet, hood, suit, or mouthpiece/nose clamp.

(72) Routine respirator use. Wearing a respirator as a normal procedure when carrying out a regular and frequently repeated task.

(73) Sanitization. The removal of dirt and the inhibiting of the action of agents that cause infection or disease.

(74) Self-contained breathing apparatus. See respirator.

(75) Service life. The period of time that a respirator provides adequate protection to the wearer - for example, the period of time that an air-purifying device is effective for removing a harmful substance from inspired air.

(76) Smoke. A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

(77) Sorbent. A material which is contained in cartridge or canister and which removes toxic gases and vapors from the inhaled air.

(78) Spray. A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

(79) Supplied-air respirator. See respirator.

(80) Supplied-air suit. A suit that is impermeable to most particulate and gaseous contaminants and that is provided with an adequate supply of respirable air.

(81) Time-weighted average (TWA). The average concentration of a contaminant in air during a specific time period.

(82) Valve (air or oxygen). A device which controls the pressure, direction, or rate of flow of air or oxygen.

(83) Vapor. The gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

(84) Welding helmet. A device designed to provide protection for the eyes and face against intense radiant energy and molten metal splatter encountered in the welding and cutting of metals.

(85) Window indicator. A device on a cartridge or canister that visually denotes the service life of the cartridge or canister.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-62-07711 Regulated areas.** (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705.

(2) Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limits.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Confined space. The employer shall determine if a confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC Part M.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

**WAC 296-62-3090 Handling drums and containers.**

(1) General.

(a) Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(b) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, WISHA, and EPA regulations for the wastes that they contain.

(c) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(d) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(e) Site operations shall be organized to minimize the amount of drum or container movement.

(f) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(g) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(h) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(i) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(j) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of buried drums or containers.

(k) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(l) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the source of air supply shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(5) Shock-sensitive wastes.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor and/or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropri-

ate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling of drum and container contents. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures as described in (~~WAC 296-62-14503~~) chapter 296-62 WAC Part M and the employer's safety and health plan shall be followed whenever employees must enter a tank or vault.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-14501 ((Definitions-)) Scope and application. ~~((1)) "Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels.~~

~~((2)) Toxic atmospheres are atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517.~~



~~(3) Chemical contact agents are defined in WAC 296-62-07003.~~

~~(4) Oxygen deficient atmospheres are deemed to exist if the atmosphere at sea level has less than 19.5% oxygen by volume or has a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions.~~

~~(5) Flammable atmospheres are atmospheres in excess of 20% of the lower explosive limit. These are usually toxic as well as flammable.) This section contains requirements for practices and procedures to protect employees from the hazards of entry into permit-required confined spaces.~~

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-62-14503 ((Personnel requirements for entry into confined spaces.)) Definitions. ((Employees required to enter confined spaces shall be protected from the hazards which may result from the entry.

(1) Management shall be responsible for procedures, training, and planning for entry into confined spaces which present a problem due to toxicity, flammability, oxygen deficiency or excess, mechanical, electrical, corrosive or temperature hazard.

(2) Management shall develop, distribute and enforce a written procedure which shall include planning, general precautions, procedures, evaluation of hazards, ventilation requirements, personal protection, isolation and responsibilities.

(3) For each project or job, individuals who are competent in the evaluation of hazards, precautions, first aid and artificial respiration shall specifically be assigned. All personnel shall be trained in the use of personal protective equipment required for the job assignment.

(4) Management shall instruct all involved employees in the safe procedures to be followed.)) (1) Acceptable entry conditions means the conditions that must exist in a permit space to allow entry and to ensure that employees involved with a permit-required confined space entry can safely enter into and work within the space.

(2) Attendant means an individual stationed outside one or more permit spaces who monitors the authorized entrants and who performs all attendant's duties assigned in the employer's permit space program.

(3) Authorized entrant means an employee who is authorized by the employer to enter a permit space.

(4) Blanking or blinding means the absolute closure of a pipe, line, or duct by the fastening of a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore and that is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

(5) Confined space means a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults,

and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

(6) Contact chemical agents include and are defined as:

(a) "Corrosives" meaning substances which in contact with living tissue cause destruction of the tissue by chemical action;

(b) "Irritants" meaning substances which on immediate, prolonged, or repeated contact with normal living tissue will induce local inflammatory reaction;

(c) "Toxicants" meaning substances which have the inherent capacity to produce personal injury or illness by absorption through any body surface.

(7) Double block and bleed means the closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

(8) Emergency means any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit space that could endanger entrants.

(9) Engulfment means the surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

(10) Entry means the action by which a person passes through an opening into a permit-required space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

(11) Entry permit (permit) means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified in WAC 296-62-14511.

(12) Entry supervisor means the person (such as the employer, foreman, or crew chief) responsible for determining if acceptable entry conditions are present at a permit space where entry is planned, for authorizing entry and overseeing entry operations, and for terminating entry as required by this Part M.

Note: An entry supervisor also may serve as an attendant or as an authorized entrant, as long as that person is trained and equipped as required by this Part M for each role the employee fills. Also, the duties of entry supervisor may be passed from one individual to another during the course of an entry operation.

(13) Hazardous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

(a) Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);

(b) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 m) or less.

(c) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;



(d) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(e) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the hazard communication standard, chapter 296-62 WAC Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

(14) Hot work permit means the employer's written authorization to perform operations (for example, riveting, welding, cutting, burning, and heating) capable of providing a source of ignition.

(15) Immediately dangerous to life or health (IDLH) means any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials—hydrogen fluoride gas and cadmium vapor, for example—may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

(16) Inerting means the displacement of the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

(17) Isolation means the process by which a permit space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

(18) Line breaking means the intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

(19) Nonpermit confined space means a confined space that does not contain or, with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

(20) Oxygen deficient atmosphere means an atmosphere containing less than 19.5 percent oxygen by volume.

(21) Oxygen enriched atmosphere means an atmosphere containing more than 23.5 percent oxygen by volume.

(22) Permit-required confined space (permit space) means a confined space that has one or more of the following characteristics:

(a) Contains or has a potential to contain a hazardous atmosphere;

(b) Contains a material that has the potential for engulfing an entrant;

(c) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

(d) Contains any other recognized serious safety or health hazard.

(23) Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

(24) Permit system means the employer's written procedure for preparing and issuing permits for entry and for returning the permit space to service following termination of entry.

(25) Prohibited condition means any condition in a permit space that is not allowed by the permit during the period when entry is authorized.

(26) Rescue service means the personnel designated to rescue employees from permit spaces.

(27) Retrieval system means the equipment (including a retrieval line, chest or full-body harness, wristlets, if appropriate, and a lifting device or anchor) used for nonentry rescue of persons from permit spaces.

(28) Testing means the process by which the hazards that may confront entrants of a permit space are identified and evaluated. Testing includes specifying the tests that are to be performed in the permit space.

Note: Testing enables employers both to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present immediately prior to, and during, entry.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14505 General ((precautions)) requirements. ((1) Toxic or flammable atmospheres. Employees shall not be permitted to enter atmospheres in a confined space which has contained toxic, flammable or corrosive materials or which may have had such materials accidentally introduced or generated until such space has been evaluated and/or tested by a competent person who shall declare the space safe for entry.

(2) Exposure to temperature extremes and noise shall be controlled as defined in WAC 296-62-09011 and 296-62-09013.

(3) Exposure to ionizing radiation shall be controlled as defined in rules and regulations for radiation protection, chapter 402-12 WAC as administered by the state of Washington, department of social and health services, health services division.)) (1) The employer shall evaluate the workplace to determine if any spaces are permit-required confined spaces.

Note: Proper application of the decision flow chart in Appendix A to this Part M, would facilitate compliance with this requirement.

(2) If the workplace contains permit spaces, the employer shall inform exposed employees, by posting danger signs

or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces.

Note: A sign reading "DANGER—PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER" or using other similar language would satisfy the requirement for a sign.

(3) If the employer decides that its employees will not enter permit spaces, the employer shall take effective measures to prevent its employees from entering the permit spaces and shall comply with subsections (1), (2), (12), and (14) of this section.

(4) Mechanical hazards.

(a) Confined spaces containing parts which move or which contain agitators, fans, or other power driven moving parts of potential hazard to employees shall not be entered until it is assured that such parts cannot move to injure the employee.

(b) Open and lock circuit breakers or switches, or remove fuses or disconnect wiring and tag the location.

(c) Disconnect and tag belt or mechanical linkage.

(d) Physically block part against movement and tag switches, clutches or other means of control.

(5) Electrical hazards.

(a) Electrical circuits in the confined area which may present a hazard shall be disconnected, locked out and tagged in accordance with (b) of this subsection. All temporary lights shall be protected against damage and cords shall be heavy duty and kept clear of working spaces and walkways. Only low voltage, battery operated, or ground fault protected equipment shall be used on water-sides of boilers or when electrically conductive liquids are involved.

(b) Electric supply circuits, lighting, portable tools, and other equipment used where potentially hazardous concentrations of flammable vapors, gases or dusts are present shall conform to chapter 296-24 WAC Part L.

(c) Portable electric tools shall be grounded or isolation transformers, ground fault interrupters or double insulated tools shall be required.

(6) Removal of flammable or toxic material.

(a) Remove all possible liquid product, sludge or residue if present by draining, pumping or washing as applicable. Dispose of solid, liquid or gaseous materials in a manner which will not cause air or water pollution, a fire hazard or endanger workers or equipment.

(b) Vent any pressure as required.

(c) Isolate tank or confined space from all potential sources of hazardous materials by one of the following:

(i) Remove a valve, spool piece, or expansion joint and cap open ends. Tag line.

(ii) Insert a blank in the line and tag it.

(d) All fans and other equipment used for removing flammable gases or vapors shall conform to NFPA requirements and shall not create an ignition hazard.

(e) When inert gases are used, they must subsequently be replaced by air prior to entry except when the inerting provides safer working conditions.

(f) Oxygen shall never be used for ventilation.

(7) Entry into confined spaces which could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require personal protective equipment to prevent skin and/or eye contact.

(8) Use of toxic and/or flammable materials in confined spaces.

(a) Quantities of toxic or flammable materials brought into or used in confined spaces shall be limited to the smallest amount consistent with efficient use.

(b) Containers shall be designed to minimize evaporation and spillage. Safety cans or small squeeze bottles are preferable when applicable.

(c) Continuous ventilation shall be provided in sufficient quantity and design to control fire and health hazards.

(d) Sources of ignition shall be eliminated when flammable liquids are used.

(9) Hot work.

(a) Any hot work involving sources of ignition and including welding and burning shall require positive assurance that fire hazards and flammable atmospheres have been controlled and combustible materials have been protected.

(b) Hot work permits are required prior to entry. (See Appendix F, WAC 296-62-14553, for an example of a hot work permit.)

(c) Compressed gas cylinders should not generally be allowed in confined spaces. Compressed gas lines shall be protected from rupture or damage.

(d) Compressed gas cylinders or electric generators should be attended at all times. Sources of compressed gases or arc welding power shall be turned off immediately when an emergency arises or when work is interrupted or completed.

(10) If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space entry program that complies with Part M of this chapter. The written program shall be available for inspection by employees and their authorized representatives.

(11) An employer may use the alternate procedures specified in (b) of this subsection for entering a permit space under the conditions set forth in (a) of this subsection.

(a) An employer whose employees enter a permit space need not comply with WAC 296-62-14507 (1) through (5), (10) through (14), WAC 296-62-14509, 296-62-14511, and 296-62-14515 through 296-62-14519, provided that:

(i) The employer can demonstrate that the only hazard posed by the permit space is an actual or potential hazardous atmosphere;

(ii) The employer can demonstrate that continuous forced air ventilation alone is sufficient to maintain that permit space safe for entry;

(iii) The employer develops monitoring and inspection data that supports the demonstrations required by (a)(i) and (ii) of this subsection;

(iv) If an initial entry of the permit space is necessary to obtain the data required by (a)(iii) of this subsection, the entry is performed in compliance with WAC 296-62-14507 through 296-62-14521;

(v) The determinations and supporting data required by (a)(i), (ii), and (iii) of this subsection (11) are documented by the employer and are made available to each employee who enters the confined space under the terms of this subsection; and

(vi) Entry into the permit space under the terms of (a) of this subsection is performed in accordance with the requirements of (b) of this subsection.

Note: See subsection (13) of this section for reclassification of a permit space after all hazards within the space have been eliminated.

(b) The following requirements apply to entry into permit spaces that meet the conditions set forth in subdivision (a) of this subsection.

(i) Any conditions making it unsafe to remove an entrance cover shall be eliminated before the cover is removed.

(ii) When entrance covers are removed, the opening shall be promptly guarded by a railing, temporary cover, or other temporary barrier that will prevent an accidental fall through the opening and that will protect each employee working in the space from foreign objects entering the space.

(iii) Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct-reading instrument, for the following conditions in the order given:

(A) Oxygen content;

(B) Flammable gases and vapors; and

(C) Potential toxic air contaminants.

(iv) There may be no hazardous atmosphere within the space whenever any employee is inside the space.

(v) An attendant capable of maintaining communication at all times with the entrant(s) shall be located outside the confined space in accordance with WAC 296-62-14507 (6) through (9).

(vi) Rescue and emergency services shall be provided in accordance with WAC 296-62-14517.

(vii) Fire extinguishing equipment shall be immediately available when indicated.

(viii) Emergency lighting shall be available as required.

(ix) Continuous forced air ventilation shall be used, as follows:

(A) An employee may not enter the space until the forced air ventilation has eliminated any hazardous atmosphere;

(B) The forced air ventilation shall be so directed as to ventilate the immediate areas where an employee is or will be present within the space and shall continue until all employees have left the space;

(C) The air supply for the forced air ventilation shall be from a clean source and may not increase the hazards in the space.

(x) The atmosphere within the space shall be periodically tested as necessary to ensure that the continuous forced air ventilation is preventing the accumulation of a hazardous atmosphere.

(xi) If a hazardous atmosphere is detected during entry:

(A) Each employee shall leave the space immediately;

(B) The space shall be evaluated to determine how the hazardous atmosphere developed; and

(C) Measures shall be implemented to protect employees from the hazardous atmosphere before any subsequent entry takes place.

(xii) The employer shall verify that the space is safe for entry and that the measures required by (b) of this subsection have been taken, through a written certification that contains the date, name of the authorized entrant(s), name of individual(s) serving as the authorized attendant, the location of the space, and the signature of the person providing the certification. The certification shall be made before entry and shall be made available to each employee entering the space.

(12) When there are changes in the use or configuration of a nonpermit confined space that might increase the hazards to entrants, the employer shall reevaluate that space and, if necessary, reclassify it as a permit-required confined space.

(13) A space classified by the employer as a permit-required confined space may be reclassified as a nonpermit confined space under the following procedures:

(a) If the permit space poses no actual or potential atmospheric hazards and if all hazards within the space are eliminated without entry into the space, the permit space may be reclassified as a nonpermit confined space for as long as the nonatmospheric hazards remain eliminated.

(b) If it is necessary to enter the permit space to eliminate hazards, such entry shall be performed under sections WAC 296-62-14507 through 296-62-14521. If testing and inspection during that entry demonstrate that the hazards within the permit space have been eliminated, the permit space may be reclassified as a nonpermit confined space for as long as the hazards remain eliminated.

Note: Control of atmospheric hazards through forced air ventilation does not constitute elimination of the hazards. Subsection (11) of this section covers permit space entry where the employer can demonstrate that forced air ventilation alone will control all hazards in the space.

(c) The employer shall document the basis for determining that all hazards in a permit space have been eliminated, through a certification that contains the date, the location of the space, and the signature of the person making the determination. The certification shall be made available to each employee entering the space.

(d) If hazards arise within a permit space that has been declassified to a nonpermit space under (a) of this subsection, each employee in the space shall exit the space. The employer shall then reevaluate the space and determine whether it must be reclassified as a permit space, in accordance with other applicable provisions of this section.

(14) When an employer (host employer) arranges to have employees of another employer (contractor) perform work that involves permit space entry, the host employer shall:

(a) Inform the contractor that the workplace contains permit spaces and that permit space entry is allowed only through compliance with a permit space program meeting the requirements of this Part M;

(b) Apprise the contractor of the elements, including the hazards identified and the host employer's experience with the space, that make the space in question a permit space;

(c) Apprise the contractor of any precautions or procedures that the host employer has implemented for the protection of employees in or near permit spaces where contractor personnel will be working;

(d) Coordinate entry operations with the contractor, when both host employer personnel and contractor personnel will be working in or near permit spaces, as required by WAC 296-62-14507(11); and

(e) Debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazards confronted or created in permit spaces during entry operations.

(15) In addition to complying with the permit space requirements that apply to all employers, each contractor

who is retained to perform permit space entry operations shall:

(a) Obtain any available information regarding permit space hazards and entry operations from the host employer;

(b) Coordinate entry operations with the host employer, when both host employer personnel and contractor personnel will be working in or near permit spaces, as required by WAC 296-62-14507(11); and

(c) Inform the host employer of the permit space program that the contractor will follow and of any hazards confronted or created in permit spaces, either through a debriefing or during the entry operation.

AMENDATORY SECTION (Amending Order 81-20, filed 7/27/81)

WAC 296-62-14507 ((~~Toxic atmospheres.~~) **Permit-required confined space program.** ((~~1~~) ~~Atmospheres where contamination is below permissible exposure limits as defined in chapter 296-62 WAC may be entered without respiratory protection.~~

(~~2~~) ~~Atmospheres where contamination is above the permissible exposure limits but below values immediately hazardous to life or health may be entered when respiratory protective equipment as defined in the applicable provisions of chapter 296-62 WAC is properly worn.~~

(~~3~~) ~~Atmospheres immediately hazardous to life may be entered only in the event of emergency and then only when employees are protected by equipment approved for such exposures.~~

(~~4~~) ~~Atmospheres where the toxicity is not known shall require full protection.~~

(~~5~~) ~~Entry into spaces which contain or could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require equipment to prevent skin and/or eye contact.~~) Under the permit-required confined space program required by WAC 296-62-14505(10), the employer shall:

(1) Implement the measures necessary to prevent unauthorized entry;

(2) Identify and evaluate the hazards of permit spaces before employees enter them;

(3) Develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following:

(a) Specifying acceptable entry conditions;

(b) Isolating the permit space;

(c) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;

(d) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and

(e) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

(4) Provide the following equipment (specified in (a) through (i) of this subsection at no cost to employees, maintain that equipment properly, and ensure that employees use that equipment properly:

(a) Testing and monitoring equipment needed to comply with subsection (5) of this section;

(b) Ventilating equipment needed to obtain acceptable entry conditions;

(c) Communications equipment necessary for compliance with WAC 296-62-14515(3) and WAC 296-62-14517(5);

(d) Personal protective equipment insofar as feasible engineering and work practice controls do not adequately protect employees;

(e) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;

(f) Barriers and shields as required by subsection (3)(d) of this section;

(g) Equipment, such as ladders, needed for safe ingress and egress by authorized entrants;

(h) Rescue and emergency equipment needed to comply with subsection (9) of this section, except to the extent that the equipment is provided by rescue services; and

(i) Any other equipment necessary for safe entry into and rescue from permit spaces.

(5) Evaluate permit space conditions as follows when entry operations are conducted:

(a) Test conditions in the permit space to determine if acceptable entry conditions exist before entry is authorized to begin, except that, if isolation of the space is infeasible because the space is large or is part of a continuous system (such as a sewer), preentry testing shall be performed to the extent feasible before entry is authorized and, if entry is authorized, entry conditions shall be continuously monitored in the areas where authorized entrants are working;

(b) Test or monitor the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations; and

(c) When testing for atmospheric hazards, test first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors.

Note: Atmospheric testing conducted in accordance with WAC 296-62-14545, Appendix B, would be considered as satisfying the requirements of this subdivision. For permit space operations in sewers, atmospheric testing conducted in accordance with Appendix B, as supplemented by WAC 296-62-14551, Appendix E, would be considered as satisfying the requirements of this subdivision.

(6) Provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations;

Note: Attendants may be assigned to monitor more than one permit space provided the duties described in WAC 296-62-14517 can be effectively performed for each permit space that is monitored. Likewise, attendants may be stationed at any location outside the permit space to be monitored as long as the duties described in WAC 296-62-14517 can be effectively performed for each permit space that is monitored.

(7) If multiple spaces are to be monitored by a single attendant, include in the permit program the means and procedures to enable the attendant to respond to an emergency affecting one or more of the permit spaces being monitored without distraction from the attendant's responsibilities under WAC 296-62-14517;

(8) Designate the persons who are to have active roles (as, for example, authorized entrants, attendants, entry supervisors, or persons who test or monitor the atmosphere

in a permit space) in entry operations, identify the duties of each such employee, and provide each such employee with the training required by WAC 296-62-14513;

(9) Develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue;

(10) Develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by this section;

(11) Develop and implement procedures to coordinate entry operations when employees of more than one employer are working simultaneously as authorized entrants in a permit space, so that employees of one employer do not endanger the employees of any other employer;

(12) Develop and implement procedures (such as closing off a permit space and canceling the permit) necessary for concluding the entry after entry operations have been completed;

(13) Review entry operations when the employer has reason to believe that the measures taken under the permit space program may not protect employees and revise the program to correct deficiencies found to exist before subsequent entries are authorized; and

Note: Examples of circumstances requiring the review of the permit-required confined space program are: Any unauthorized entry of a permit space, the detection of a permit space hazard not covered by the permit, the detection of a condition prohibited by the permit, the occurrence of an injury or near-miss during entry, a change in the use or configuration of a permit space, and employee complaints about the effectiveness of the program.

(14) Review the permit-required space program, using the canceled permits retained under WAC 296-62-14509(6) within 1 year after each entry and revise the program as necessary, to ensure that employees participating in entry operations are protected from permit space hazards.

Note: Employers may perform a single annual review covering all entries performed during a 12-month period. If no entry is performed during a 12-month period, no review is necessary.

WAC 296-62-14547, Appendix C, presents examples of permit entry programs that are considered to comply with the requirements of this section.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14509 ((Flammable atmospheres-))  
Permit system. ((Atmospheres which contain or could contain flammable gases or vapors shall not be entered if the concentration of gases or vapors in any part of the area is more than 20% of the lower explosive limit except in the event of emergency and then only when employees are protected by equipment approved for such exposures-)) (1) Before entry is authorized, the employer shall document the completion of measures required by WAC 296-62-14507(3) by preparing an entry permit.

Note: WAC 296-62-14549, Appendix D, presents examples of permits whose elements are considered to comply with the requirements of this section.

(2) Before entry begins, the entry supervisor identified on the permit shall sign the entry permit to authorize entry.

(3) The completed permit shall be made available at the time of entry to all authorized entrants, by posting it at the entry portal or by any other equally effective means, so that the entrants can confirm that preentry preparations have been completed.

(4) The duration of the permit may not exceed the time required to complete the assigned task or job identified on the permit in accordance with WAC 296-62-14511(2).

(5) The entry supervisor shall terminate entry and cancel the entry permit when:

(a) The entry operations covered by the entry permit have been completed; or

(b) A condition that is not allowed under the entry permit arises in or near the permit space.

(6) The employer shall retain each canceled entry permit for at least 1 year to facilitate the review of the permit-required confined space program required by WAC 296-62-14507(14). Any problems encountered during an entry operation shall be noted on the pertinent permit so that appropriate revisions to the permit space program can be made.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-14511 ((Oxygen deficiency or excess-))  
Entry permit. ((1) All employees required to enter into confined spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(2) Atmospheres having an oxygen content less than 19.5% oxygen at sea level (this may deviate at higher elevations) shall not be entered without approved respiratory protective equipment which will provide an adequate supply of breathing air.

(3) In the event that the air may be diluted by an unknown gas, the atmosphere shall be considered highly toxic and/or flammable-)) The entry permit that documents compliance with this section and authorizes entry to a permit space shall identify:

(1) The permit space to be entered;

(2) The purpose of the entry;

(3) The date and the authorized duration of the entry permit;

(4) The authorized entrants within the permit space, by name or by such other means (for example, through the use of rosters or tracking systems) as will enable the attendant to determine quickly and accurately, for the duration of the permit, which authorized entrants are inside the permit space;

Note: This requirement may be met by inserting a reference on the entry permit as to the means used, such as a roster or tracking system, to keep track of the authorized entrants within the permit space.

(5) The personnel, by name, currently serving as attendants;

(6) The individual, by name, currently serving as entry supervisor, with a space for the signature or initials of the entry supervisor who originally authorized entry;

(7) The hazards of the permit space to be entered;

(8) The measures used to isolate the permit space and to eliminate or control permit space hazards before entry;

Note: Those measures can include the lockout or tagging of equipment and procedures for purging, inerting, ventilating, and flushing permit spaces.

(9) The acceptable entry conditions;

(10) The results of initial and periodic tests performed under WAC 296-62-14507(5), accompanied by the names or initials of the testers and by an indication of when the tests were performed;

(11) The rescue and emergency services that can be summoned and the means (such as the equipment to use and the numbers to call) for summoning those services;

(12) The communication procedures used by authorized entrants and attendants to maintain contact during the entry;

(13) Equipment, such as personal protective equipment, testing equipment, communications equipment, alarm systems, and rescue equipment, to be provided for compliance with this section;

(14) Any other information whose inclusion is necessary, given the circumstances of the particular confined space, in order to ensure employee safety; and

(15) Any additional permits, such as for hot work, that have been issued to authorize work in the permit space.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14513 ((Mechanical hazards-)) **Training.** ((1) Confined areas containing parts which may move or which contain agitators, fans or other power driven moving parts of potential hazard to employees shall not be entered until it is assured that such parts cannot move to injure the employee.

(a) Open and lock circuit breakers or switches, or remove fuses or disconnect wiring and tag the location.

(b) Disconnect and tag belt or mechanical linkage.

(c) Physically block part against movement and tag switches, clutches or other means of control.

(d) Tagging of controls without other means of control shall be considered satisfactory only if the control is barricaded and/or is under constant observation during occupancy of the space.)) (1) The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this chapter.

(2) Training shall be provided to each affected employee:

(a) Before the employee is first assigned duties under this chapter;

(b) Before there is a change in assigned duties;

(c) Whenever there is a change in permit space operations that presents a hazard about which an employee has not previously been trained;

(d) Whenever the employer has reason to believe either that there are deviations from the permit space entry procedures required by WAC 296-62-14507(3) or that there are inadequacies in the employee's knowledge or use of these procedures.

(3) The training shall establish employee proficiency in the duties required by this chapter and shall introduce new

or revised procedures, as necessary, for compliance with this section.

(4) The employer shall certify that the training required by subsections (1) through (3) of this section has been accomplished. The certification shall contain each employee's name, the signatures or initials of the trainers, and the dates of training. The certification shall be available for inspection by employees and their authorized representatives.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-14515 ((Electrical hazards-)) **Duties of authorized entrants.** ((1) Electrical circuits in the confined area which may present a hazard shall be disconnected, locked out and tagged in accordance with WAC 296-62-14513(1)(a). All temporary lights shall be protected against damage and cords shall be heavy duty and kept clear of working spaces and walkways. Only low voltage, battery operated, or ground fault protected equipment shall be used on water sides of boilers or when electrically conductive liquids are involved.

(2) Electric supply circuits, lighting, portable tools, and other equipment used where potentially hazardous concentrations of flammable vapors, gases or dusts are present or may develop shall conform to chapter 296-24 WAC Part L.

(3) Portable electric tools shall be grounded or isolation transformers, ground fault interrupters or double insulated tools shall be required.)) The employer shall ensure that all authorized entrants:

(1) Know the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure;

(2) Properly use equipment as required by WAC 296-62-14507(4);

(3) Communicate with the attendant as necessary to enable the attendant to monitor entrant status and to enable the attendant to alert entrants of the need to evacuate the space as required by WAC 296-62-14517(6);

(4) Alert the attendant whenever:

(a) The entrant recognizes any warning sign or symptom of exposure to a dangerous situation, or

(b) The entrant detects a prohibited condition; and

(5) Exit from the permit space as quickly as possible whenever:

(a) An order to evacuate is given by the attendant or the entry supervisor,

(b) The entrant recognizes any warning sign or symptom of exposure to a dangerous situation,

(c) The entrant detects a prohibited condition, or

(d) An evacuation alarm is activated.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14517 ((Procedures for entry into toxic or flammable atmospheres-)) **Duties of attendants.** ((Every reasonable effort shall be made to reduce the hazard to safe levels prior to permitting entry into the enclosed space.

(1) Preliminary preparations:

~~(a) Determine type and extent of contamination including gases, liquids, sludge, residue or absorbed and/or absorbed material.~~

~~(b) Survey area to determine the effect of escape of gases or vapors in surrounding areas.~~

~~(c) Post or barricade area to prevent unauthorized entry.~~

~~(d) Ensure control of all sources of ignition when a potential fire hazard exists.~~

~~(e) Collect and inspect the condition of all equipment needed including pumps, ventilating equipment, personal protective equipment, atmospheric testing equipment and mechanical equipment. Ensure that all equipment is in good condition and is compatible with the work involved.~~

~~(f) Ensure that all required personnel are available and familiar with the hazards.) The employer shall ensure that each attendant:~~

~~(1) Knows the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure;~~

~~(2) Is aware of possible behavioral effects of hazard exposure in authorized entrants;~~

~~(3) Continuously maintains an accurate count of authorized entrants in the permit space and ensures that the means used to identify authorized entrants under WAC 296-62-14511(4) accurately identifies who is in the permit space;~~

~~(4) Remains outside the permit space during entry operations until relieved by another attendant;~~

Note: When the employer's permit space entry program allows attendant entry for rescue, attendants may enter a permit space to attempt a rescue if they have been trained and equipped for rescue operations as required by WAC 296-62-14521(1) and if they have been relieved as required by subsection (4) of this section.

~~(5) Communicates with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space under subsection (6) of this section;~~

~~(6) Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space and orders the authorized entrants to evacuate the permit space immediately under any of the following conditions;~~

~~(a) If the attendant detects a prohibited condition;~~

~~(b) If the attendant detects the behavioral effects of hazard exposure in an authorized entrant;~~

~~(c) If the attendant detects a situation outside the space that could endanger the authorized entrants; or~~

~~(d) If the attendant cannot effectively and safely perform all the duties required under this section;~~

~~(7) Summon rescue and other emergency services as soon as the attendant determines that authorized entrants may need assistance to escape from permit space hazards;~~

~~(8) Takes the following actions when unauthorized persons approach or enter a permit space while entry is underway:~~

~~(a) Warn the unauthorized persons that they must stay away from the permit space;~~

~~(b) Advise the unauthorized persons that they must exit immediately if they have entered the permit space; and~~

~~(c) Inform the authorized entrants and the entry supervisor if unauthorized persons have entered the permit space;~~

~~(9) Performs nonentry rescues as specified by the employer's rescue procedure; and~~

(10) Performs no duties that might interfere with the attendant's primary duty to monitor and protect the authorized entrants.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-14519 ((~~Removal of flammable or toxic material.~~) Duties of entry supervisors. (((1) Remove all possible liquid product, sludge or residue if present by draining, pumping or washing as applicable. Dispose of solid, liquid or gaseous materials in a manner which will not cause air or water pollution, a fire hazard or endanger workers or equipment.

(2) Vent any pressure as required.

(3) Isolate tank or confined space from all potential sources of hazardous materials by one of the following:

(a) Remove a valve, spool piece, or expansion joint and cap open ends. Tag line.

(b) Insert a blank in the line and tag it.) The employer shall ensure that each entry supervisor:

(1) Knows the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure;

(2) Verifies, by checking that the appropriate entries have been made on the permit, that all tests specified by the permit have been conducted and that all procedures and equipment specified by the permit are in place before endorsing the permit and allowing entry to begin;

(3) Terminates the entry and cancels the permit as required by WAC 296-62-14509(5);

(4) Verifies that rescue services are available and that the means for summoning them are operable;

(5) Removes unauthorized individuals who enter or who attempt to enter the permit space during entry operations; and

(6) Determines, whenever responsibility for a permit space entry operation is transferred and at intervals dictated by the hazards and operations performed within the space, that entry operations remain consistent with terms of the entry permit and that acceptable entry conditions are maintained.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14521 ((~~Vapor freeing.~~) Rescue and emergency services. (((1) Vapor Freeing is usually done by ventilation. The effectiveness of ventilation is dependent upon the number of air changes and the efficiency of mixing of the air with the gas in the tank. Ventilation by supply air provides more efficient mixing than exhaust air but cannot be used if it creates a hazard near the discharge point. Exhaust air ducts must be placed at locations remote from air inlets and may require moving to various locations.

(2) Prior to entry, a minimum of five air changes is recommended where oxygen deficiency may exist and ten air changes is recommended where a toxic and/or flammable material is involved.

(3) Concentrations of vapors or gases in the flammable or above the flammable range may require replacement by an inerting gas such as nitrogen or carbon dioxide to prevent explosions.



(a) When inert gases are used, they must subsequently be replaced by air prior to entry except when the inerting provides safer working conditions.

(4) All fans and other equipment used for removing flammable gases or vapors shall conform to NFPA requirements and shall not create an ignition hazard.

(5) Oxygen shall never be used for ventilation.)) (1) The following requirements apply to employers who have employees enter permit spaces to perform rescue services.

(a) The employer shall ensure that each member of the rescue service is provided with, and is trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permit spaces.

(b) Each member of the rescue service shall be trained to perform the assigned rescue duties. Each member of the rescue service shall also receive the training required of authorized entrants under WAC 296-62-14513.

(c) Each member of the rescue service shall practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins, or actual persons from the actual permit spaces or from representative permit spaces. Representative permit spaces shall, with respect to opening size, configuration, and accessibility, simulate the types of permit spaces from which rescue is to be performed.

(d) Each member of the rescue service shall be trained in basic first aid and in cardiopulmonary resuscitation (CPR). At least one member of the rescue service holding current certification in first aid and in CPR shall be available.

(2) When an employer (host employer) arranges to have persons other than the host employer's employees perform permit space rescue, the host employer shall:

(a) Inform the rescue service of the hazards they may confront when called on to perform rescue at the host employer's facility, and

(b) Provide the rescue service with access to all permit spaces from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations.

(3) To facilitate nonentry rescue, retrieval systems or methods shall be used whenever an authorized entrant enters a permit space, unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant. Retrieval systems shall meet the following requirements:

(a) Each authorized entrant shall use a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, or above the entrant's head. Wristlets may be used in lieu of the chest or full body harness if the employer can demonstrate that the use of a chest or full body harness is infeasible or creates a greater hazard and that the use of wristlets is the safest and most effective alternative.

(b) The other end of the retrieval line shall be attached to a mechanical device or fixed point outside the permit space in such a manner that rescue can begin as soon as the rescuer becomes aware that rescue is necessary. A mechanical device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

(4) If an injured entrant is exposed to a substance for which a material safety data sheet (MSDS) or other similar written information is required to be kept at the worksite,

that MSDS or written information shall be made available to the medical facility treating the exposed entrant.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14523 ((Evaluation of potentially hazardous atmospheres.)) Reserved. ((Evaluation of the atmospheres shall be made by competent personnel.

(1) Atmospheric tests shall be made using accepted procedures and/or instruments to determine the kind and extent of any hazards present. However, atmospheric tests should be supplemented by other types of evaluation.

(2) Evaluation shall consider such factors as degree of toxicity, flammability, oxygen deficiency, noise, temperature, vapor pressures, sorption on surface, sludges, residue and ventilation rates.

(3) Evaluation shall be made immediately prior to entry and during occupation at intervals dependent on the possibility of changing conditions.

(4) Testing or other evaluation shall be made in all locations where employees may be exposed.

(5) If there is any doubt as to the validity of evaluation, the hazard shall be assumed to be high, and personal protective equipment or measures used accordingly.))

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-14525 ((Entry into confined space.)) Reserved. ((After initial cleaning, vapor freeing, and evaluation of the atmosphere, the confined space may be entered to complete cleaning, repair or other work.

(1) Respiratory protective equipment shall be used when indicated.

(2) An observer capable of maintaining communication at all times shall be located outside the confined space. He/she shall have respiratory protection available when indicated.

(3) If the possibility of a highly toxic or flammable atmosphere, or oxygen deficiency exists or can develop, workers shall wear safety harness with lifeline attached and a means of rescue shall be provided.

(4) Fire extinguishing equipment shall be immediately available when indicated.

(5) Ventilation shall be maintained at all times when employees are in confined spaces except when the atmosphere has been purposely inerted to provide safer working conditions. All work shall stop and the area shall be evacuated if ventilation fails.

(6) All tools and equipment shall be available as required.

(7) Emergency lighting shall be available as required.

(8) The area shall be evacuated if any indication of ill effects such as dizziness, irritation or excessive odors are noted.))

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14527 ((Hot work.)) Reserved. ((Hot work involving sources of ignition and including welding and burning shall require positive assurance that fire



~~hazards and flammable atmospheres have been controlled. Combustible material shall be protected.~~

~~(2) Usually the atmosphere should be tested by a combustible gas indicator and/or other device as indicated. Tests should be made frequently enough to assure that safe conditions prevail.~~

~~(3) Hot work permits are required prior to entry.~~

~~(4) Where hot work involves the generation of toxic gases, vapors, or fumes, local exhaust and/or respiratory protection shall be required.~~

~~(5) Compressed gas cylinders should not generally be allowed in confined spaces. Compressed gas lines shall be protected from rupture or damage.~~

~~(6) Compressed gas cylinders or electric generators should be attended at all times. Sources of compressed gases or are welding power shall be turned off immediately when an emergency arises or when work is interrupted or completed.))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

~~WAC 296-62-14529 ((Use of toxic and/or flammable materials in confined spaces.)) Reserved. ((Work in confined spaces frequently requires the use of toxic or flammable materials. These include but are not confined to coatings, linings, paints, cements, and solvents.~~

~~(1) Quantities of toxic or flammable materials brought into or used in confined spaces shall be limited to the smallest amount consistent with efficient use.~~

~~(2) Containers shall be designed to minimize evaporation and spillage. Safety cans or small squeeze bottles are preferable when applicable.~~

~~(3) Continuous ventilation shall be provided in sufficient quantity and design to control fire and health hazards.~~

~~(4) Atmospheres shall be tested and/or evaluated to provide positive assurance that hazards do not exist. In no instance shall flammable vapor concentrations exceed 20% of the lower explosive limit. Evaluation shall be repeated at intervals to ensure no hazardous build up of concentrations.~~

~~(5) Spraying of toxic or flammable substances such as paint is not recommended.~~

~~(6) Respiratory protective equipment shall be used as defined in WAC 296-62-14507.~~

~~(7) Sources of ignition shall be eliminated when flammable liquids are used.~~

~~(8) Materials, equipment and training shall be provided to clean up spills.~~

~~(9) All applicable instructions or recommendations from the manufacturer shall be enforced.))~~

NEW SECTION

**WAC 296-62-14540 Appendices to Part M of chapter 296-62 WAC—Permit-required confined spaces.**

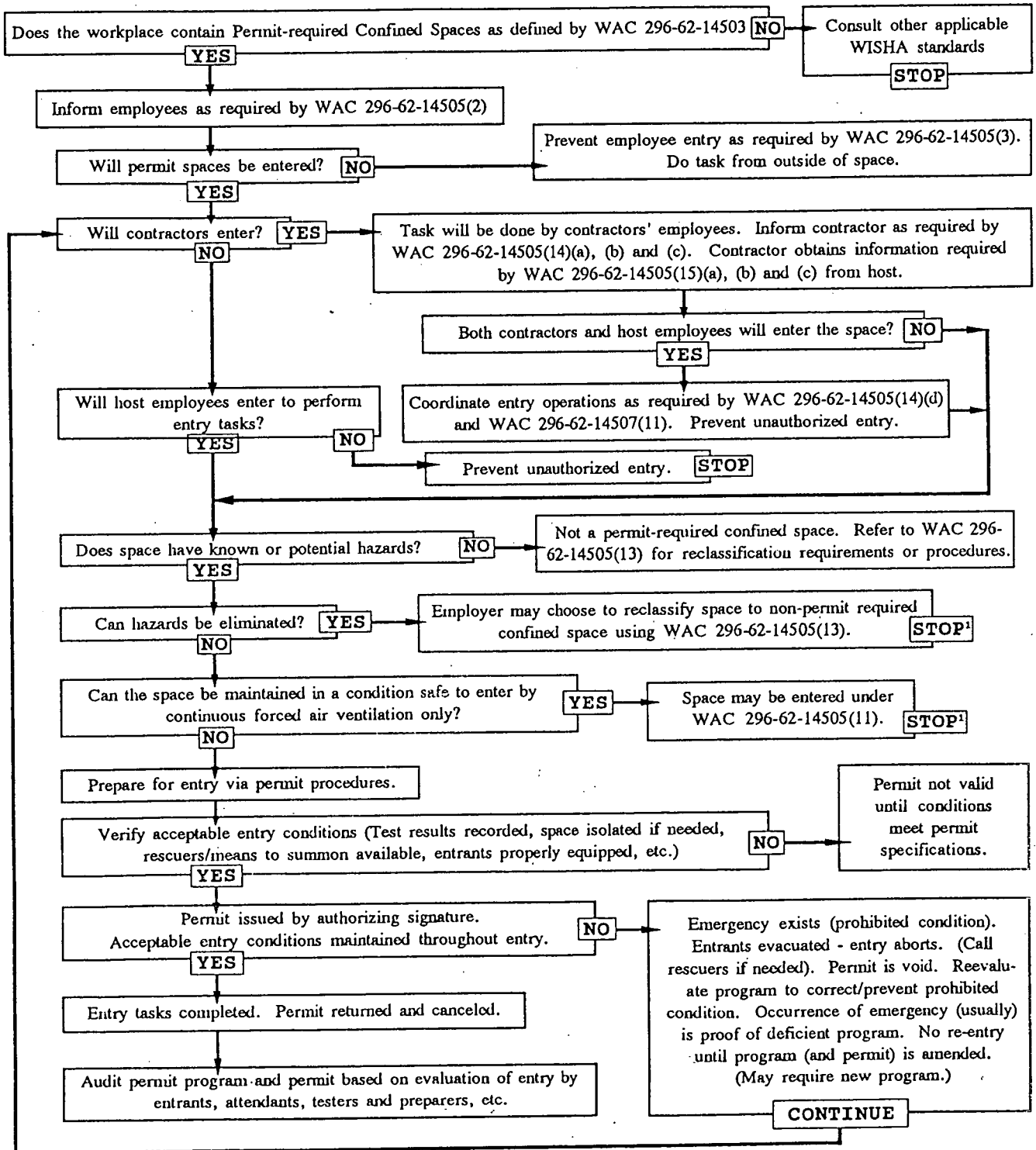
Note: Appendices A through E serve to provide information and nonmandatory guidelines to assist employers and employees in complying with the appropriate requirements of this section.

NEW SECTION

**WAC 296-62-14542 Appendix A—Permit-required confined space decision flow chart.**

Appendix A

Permit-required Confined Space Decision Flow Chart



¹Spaces may have to be evacuated and re-evaluated if hazards arise during entry

**NEW SECTION**

**WAC 296-62-14545 Appendix B—Procedures for atmospheric testing.** Atmospheric testing is required for two distinct purposes: Evaluation of the hazards of the permit space and verification that acceptable entry conditions for entry into that space exist.

(1) Evaluation testing. The atmosphere of a confined space should be analyzed using equipment of sufficient sensitivity and specificity to identify and evaluate any hazardous atmospheres that may exist or arise, so that appropriate permit space entry procedures can be developed and acceptable entry conditions stipulated for that space. Evaluation and interpretation of these data, and development of the entry procedure, should be done by, or reviewed by, a technically qualified professional (e.g., WISHA consultation service, or certified industrial hygienist, registered safety engineer, certified safety professional, etc.) based on evaluation of all serious hazards.

(2) Verification testing. The atmosphere of a permit space which may contain a hazardous atmosphere should be tested for residues of all contaminants identified by evaluation testing using permit specified equipment to determine that residual concentrations at the time of testing and entry are within the range of acceptable entry conditions. Results of testing (i.e., actual concentration, etc.) should be recorded on the permit in the space provided adjacent to the stipulated acceptable entry condition.

(3) Duration of testing. Measurement of values for each atmospheric parameter should be made for at least the minimum response time of the test instrument specified by the manufacturer.

(4) Testing stratified atmospheres. When monitoring for entries involving a descent into atmospheres that may be stratified, the atmospheric envelope should be tested a distance of approximately 4 feet (1.22 m) in the direction of travel and to each side. If a sampling probe is used, the entrant's rate of progress should be slowed to accommodate the sampling speed and detector response.

**NEW SECTION**

**WAC 296-62-14547 Appendix C—Examples of permit-required confined space programs.**

**Example 1.**

Workplace. Tank entry.

(1) Potential hazards. The employees could be exposed to the following:

(a) Engulfment.

(b) Presence of toxic gases. Equal to or more than 10 ppm hydrogen sulfide. If the presence of other toxic contaminants is suspected, specific monitoring programs will be developed.

(c) Presence of explosive/flammable gases. Equal to or greater than 10% of the lower flammable limit (LFL).

(d) Oxygen deficiency. A concentration of oxygen in the atmosphere equal to or less than 19.5% by volume.

(2) Entry without permit.

(a) Certification. Confined spaces may be entered without the need for a written permit provided that:

(i) The space is determined not to be a permit required confined space, in compliance with WAC 296-62-14505 (11)(a); or

(ii) The space can be maintained in a safe condition for entry by mechanical ventilation alone. All spaces shall be considered permit-required confined spaces until the preentry procedures demonstrate otherwise. Any employee required or permitted to precheck or enter an enclosed/confined space shall have successfully completed, as a minimum, the training as required by the following sections of these procedures. A written copy of operating and rescue procedures as required by these procedures shall be at the work site for the duration of the job. The confined space preentry check list must be completed by the LEAD WORKER before entry into a confined space. This list verifies completion of items listed below. This check list shall be kept at the job site for duration of the job. If circumstances dictate an interruption in the work, the permit space must be reevaluated and a new check list must be completed.

(b) Confined spaces may be entered without the need for a written permit or attendant provided that the space is determined not to be a permit-required confined space, in compliance with WAC 296-62-14505 (13)(a).

(3) Control of atmospheric and engulfment hazards.

(a) Pumps and lines. All pumps and lines which may reasonably cause contaminants to flow into the space shall be disconnected, blinded and locked out, or effectively isolated by other means to prevent development of dangerous air contamination or engulfment. Not all laterals to tanks or drains require blocking. However, where experience or knowledge of industrial use indicates there is a reasonable potential for contamination of air or engulfment into an occupied tank, then all affected laterals shall be blocked. If blocking and/or isolation requires entry into the space the provisions for entry into a permit-required confined space must be implemented.

(b) Surveillance. The surrounding area shall be surveyed to avoid hazards such as drifting vapors from the tanks, piping, or sewers.

(c) Testing. The atmosphere within the space will be tested to determine whether dangerous air contamination and/or oxygen deficiency exists. An alarm only type gas monitor may be used. Testing shall be performed by the LEAD WORKER who has successfully completed the gas detector training for the monitor he/she will use. The minimum parameters to be monitored are oxygen deficiency, LFL, and hydrogen sulfide concentration. A written record of the preentry test results shall be made and kept at the work site for the duration of the job. The supervisor will certify in writing, based upon the results of the preentry testing, that all hazards have been eliminated. Affected employees shall be able to review the testing results. The most hazardous conditions shall govern when work is being performed in two adjoining, connecting spaces.

(d) Entry procedures. If there are no nonatmospheric hazards present and if the preentry tests show there is no dangerous air contamination and/or oxygen deficiency within the space and there is no reason to believe that any is likely to develop, entry into and work within may proceed. Continuous testing of the atmosphere in the immediate vicinity of the workers within the space shall be accomplished. The workers will immediately leave the permit

space when any of the gas monitor alarm set points are reached as defined. Workers will not return to the area until a SUPERVISOR who has completed the gas detector training has used a direct reading gas detector to evaluate the situation and has determined that it is safe to enter.

(4) Entry permit required.

(a) Permits. Confined space entry permit. All spaces shall be considered permit-required confined spaces until the preentry procedures demonstrate otherwise. Any employee required or permitted to precheck or enter a permit-required confined space shall have successfully completed, as a minimum, the training as required by the following sections of these procedures. A written copy of operating and rescue procedures as required by these procedures shall be at the work site for the duration of the job. The confined space entry permit must be completed before approval can be given to enter a permit-required confined space. This permit verifies completion of items listed below. This permit shall be kept at the job site for the duration of the job. If circumstances cause an interruption in the work or a change in the alarm conditions for which entry was approved, a new confined space entry permit must be completed.

(b) Control of atmospheric and engulfment hazards.

(c) Surveillance. The surrounding area shall be surveyed to avoid hazards such as drifting vapors from tanks, piping or sewers.

(d) Testing. The confined space atmosphere shall be tested to determine whether dangerous air contamination and/or oxygen deficiency exists. A direct reading gas monitor shall be used. Testing shall be performed by the SUPERVISOR who has successfully completed the gas detector training for the monitor he/she will use. The minimum parameters to be monitored are oxygen deficiency, LFL and hydrogen sulfide concentration. A written record of the preentry test results shall be made and kept at the work site for the duration of the job. Affected employees shall be able to review the testing results. The most hazardous conditions shall govern when work is being performed in two adjoining, connected spaces.

(e) Space ventilation. Mechanical ventilation systems, where applicable, shall be set at 100% outside air. Where possible, open additional manholes to increase air circulation. Use portable blowers to augment natural circulation if needed. After a suitable ventilating period, repeat the testing. Entry may not begin until testing has demonstrated that the hazardous atmosphere has been eliminated.

(f) Entry procedures. The following procedure shall be observed under any of the following conditions:

(i) Testing demonstrates the existence of dangerous or deficient conditions and additional ventilation cannot reduce concentrations to safe levels;

(ii) The atmosphere tests as safe but unsafe conditions can reasonably be expected to develop;

(iii) It is not feasible to provide for ready exit from spaces equipped with automatic fire suppression systems and it is not practical or safe to deactivate such systems; or

(iv) An emergency exists and it is not feasible to wait for preentry procedures to take effect. All personnel must be trained. A self contained breathing apparatus shall be worn by any person entering the space. At least one worker shall stand by the outside of the space ready to give assistance in case of emergency. The standby worker shall have a self

contained breathing apparatus available for immediate use. There shall be at least one additional worker within sight or call of the standby worker. Continuous powered communications shall be maintained between the worker within the confined space and standby personnel. If at any time there is any questionable action or nonmovement by the worker inside, a verbal check will be made. If there is no response, the worker will be moved immediately. Exception: If the worker is disabled due to falling or impact, he/she shall not be removed from the confined space unless there is immediate danger to his/her life. The employer's trained rescue team or the local fire department rescue personnel shall be notified immediately. The standby worker may only enter the confined space in case of an emergency (wearing the self contained breathing apparatus) and only after being relieved by another worker. Safety belt or harness with attached lifeline shall be used by all workers entering the space with the free end of the line secured outside the entry opening. The standby worker shall attempt to remove a disabled worker via his/her lifeline before entering the space. When practical, these spaces shall be entered through side openings—those within 3 1/2 feet (1.07 m) of the bottom. When entry must be through a top opening, the safety belt shall be of the harness type that suspends a person upright and a hoisting device or similar apparatus shall be available for lifting workers out of the space. In any situation where their use may endanger the worker, use of a hoisting device or safety belt and attached lifeline may be discontinued. When dangerous air contamination is attributable to flammable and/or explosive substances, lighting and electrical equipment shall be Class 1, Division 1 rated per National Electrical Code and no ignition sources shall be introduced into the area. Continuous gas monitoring shall be performed during all confined space operations. If alarm conditions change adversely, entry personnel shall exit the confined space and a new confined space permit issued.

(g) Rescue. Call the employer's trained rescue team or the local fire department rescue service in accordance with WAC 296-62-14521. Where immediate hazards to injured personnel are present, workers at the site shall implement emergency procedures to fit the situation.

#### Example 2.

Workplace. Meat and poultry rendering plants. Cookers and dryers are either batch or continuous in their operation. Multiple batch cookers are operated in parallel. When one unit of a multiple set is shut down for repairs, means are available to isolate that unit from the others which remain in operation. Cookers and dryers are horizontal, cylindrical vessels equipped with a center, rotating shaft and agitator paddles or discs. If the inner shell is jacketed, it is usually heated with steam at pressures up to 150 psig (1034.25 kPa). The rotating shaft assembly of the continuous cooker or dryer is also steam heated.

(1) Potential hazards. The recognized hazards associated with cookers and dryers are the risk that employees could be:

(a) Struck or caught by rotating agitator;

(b) Engulfed in raw material or hot, recycled fat;

(c) Burned by steam from leaks into the cooker/dryer steam jacket or the condenser duct system if steam valves are not properly closed and locked out;

(d) Burned by contact with hot metal surfaces, such as the agitator shaft assembly, or inner shell of the cooker/dryer;

(e) Heat stress caused by warm atmosphere inside cooker/dryer;

(f) Slipping and falling on grease in the cooker/dryer;

(g) Electrically shocked by faulty equipment taken into the cooker/dryer;

(h) Burned or overcome by fire or products of combustion; or

(i) Overcome by fumes generated by welding or cutting done on grease covered surfaces.

(2) Permits. The supervisor in this case is always present at the cooker/dryer or other permit entry confined space when entry is made. The supervisor must follow the preentry isolation procedures described in the entry permit in preparing for entry, and ensure that the protective clothing, ventilating equipment and any other equipment required by the permit are at the entry site.

(3) Control of hazards. Mechanical. Lock out main power switch to agitator motor at main power panel. Affix tag to the lock to inform others that a permit entry confined space entry is in progress.

(4) Engulfment. Close all valves in the raw material blow line. Secure each valve in its closed position using chain and lock. Attach a tag to the valve and chain warning that a permit entry confined space entry is in progress. The same procedure shall be used for securing the fat recycle valve.

(5) Burns and heat stress. Close steam supply valves to jacket and secure with chains and tags. Insert solid blank at flange in cooker vent line to condenser manifold duct system. Vent cooker/dryer by opening access door at discharge end and top center door to allow natural ventilation throughout the entry. If faster cooling is needed, use a portable ventilation fan to increase ventilation. Cooling water may be circulated through the jacket to reduce both outer and inner surface temperatures of cooker/dryers faster. Check air and inner surface temperatures in cooker/dryer to assure they are within acceptable limits before entering, or use proper protective clothing.

(6) Fire and fume hazards. Careful site preparation, such as cleaning the area within 4 inches (10.16 cm) of all welding or torch cutting operations, and proper ventilation are the preferred controls. All welding and cutting operations shall be done in accordance with the requirements of chapter 296-24 WAC, Part I, Welding, cutting and brazing. Proper ventilation may be achieved by local exhaust ventilation, or the use of portable ventilation fans, or a combination of the two practices.

(7) Electrical shock. Electrical equipment used in cooker/dryers shall be in serviceable condition.

(8) Slips and falls. Remove residual grease before entering cooker/dryer.

(9) Attendant. The supervisor shall be the attendant for employees entering cooker/dryers.

(10) Permit. The permit shall specify how isolation shall be done and any other preparations needed before making entry. This is especially important in parallel arrangements of cooker/dryers so that the entire operation need not be shut down to allow safe entry into one unit.

(11) Rescue. When necessary, call the employer's trained rescue team or the local fire department rescue services in compliance with WAC 296-62-14521.

#### Example 3.

Workplace. Workplaces where tank cars, trucks, and trailers, dry bulk tanks and trailers, railroad tank cars, and similar portable tanks are fabricated or serviced.

(1) During fabrication. These tanks and dry-bulk carriers are entered repeatedly throughout the fabrication process. These products are not configured identically, but the manufacturing processes by which they are made are very similar.

(2) Sources of hazards. In addition to the mechanical hazards arising from the risks that an entrant would be injured due to contact with components of the tank or the tools being used, there is also the risk that a worker could be injured by breathing fumes from welding materials or mists or vapors from materials used to coat the tank interior. In addition, many of these vapors and mists are flammable, so the failure to properly ventilate a tank could lead to a fire or explosion.

(3) Control of hazards.

(a) Welding. Local exhaust ventilation shall be used to remove welding fumes once the tank or carrier is completed to the point that workers may enter and exit only through a manhole. (Follow the requirements of chapter 296-24 WAC Part I, Welding, cutting and brazing, at all times. Welding gas tanks may never be brought into a tank or carrier that is a permit-entry confined space as defined.

(b) Application of interior coatings/linings. Atmospheric hazards shall be controlled by forced air ventilation sufficient to keep the atmospheric concentration of flammable materials below 10% of the lower flammable limit (LFL) (or lower explosive limit (LEL), whichever term is used locally). The appropriate respirators are provided and shall be used in addition to providing forced ventilation if the forced ventilation does not maintain acceptable respiratory conditions.

(c) Permits. Because of the repetitive nature of the entries in these operations, an "area entry permit" will be issued for a 1 month period to cover those production areas where tanks are fabricated to the point that entry and exit are made using manholes.

(d) Authorization. Only the area supervisor may authorize an employee to enter a tank within the permit area. The area supervisor must determine that conditions in the tank trailer, dry bulk trailer or truck, etc., meet permit requirements before authorizing entry.

(e) Attendant. The area supervisor shall designate an employee to maintain communication by employer specified means with employees working in tanks to ensure their safety. The attendant may not enter any permit entry confined space to rescue an entrant or for any other reason, unless authorized by the rescue procedure and, and even then, only after calling the rescue team and being relieved by an attendant or by another worker.

(f) Communications and observation. Communications between attendant and entrant(s) shall be maintained throughout entry. Methods of communication that may be specified by the permit include voice, voice powered radio, tapping or rapping codes on tank walls, signalling tugs on a rope, and the attendant's observation that work activities

such as chipping, grinding, welding, spraying, etc., which require deliberate operator control continue normally. These activities often generate so much noise that the necessary hearing protection makes communication by voice difficult.

(a) Rescue procedures. Acceptable rescue procedures include entry by a team of employee-rescuers, use of public emergency services, and procedures for breaching the tank. The area permit specifies which procedures are available, but the area supervisor makes the final decision based on circumstances. (Certain injuries may make it necessary to breach the tank to remove a person rather than risk additional injury by removal through an existing manhole. However, the supervisor must ensure that no breaching procedure used for rescue would violate terms of the entry permit. For instance, if the tank must be breached by cutting with a torch, the tank surfaces to be cut must be free of volatile or combustible coatings within 4 inches (10.16 cm) of the cutting line and the atmosphere within the tank must be below the LFL.

(b) Retrieval line and harnesses. The retrieval lines and harnesses generally required under this standard are usually impractical for use in tanks because the internal configuration of the tanks and their interior baffles and other structures would prevent rescuers from hauling out injured entrants. However, unless the rescue procedure calls for breaching the tank for rescue, the rescue team shall be trained in the use of retrieval lines and harnesses for removing injured employees through manholes.

(5) Repair or service of "used" tanks and bulk trailers.

(a) Sources of hazards. In addition to facing the potential hazards encountered in fabrication or manufacturing, tanks or trailers which have been in service may contain residues of dangerous materials, whether left over from the transportation of hazardous cargoes or generated by chemical or bacterial action on residues of nonhazardous cargoes.

(b) Control of atmospheric hazards. A "used" tank shall be brought into areas where tank entry is authorized only after the tank has been emptied, cleansed (without employee entry) of any residues, and purged of any potential atmospheric hazards.

(c) Welding. In addition to tank cleaning for control of atmospheric hazards, coating and surface materials shall be removed 4 inches (10.16 cm) or more from any surface area where welding or other torch work will be done and care taken that the atmosphere within the tank remains well below the LFL. (Follow the requirements of chapter 296-24 WAC, Part I, Welding, cutting, and brazing, at all times.)

(d) Permits. An entry permit valid for up to 1 year shall be issued prior to authorization of entry into used tank trailers, dry bulk trailers or trucks. In addition to the preentry cleaning requirement, this permit shall require the employee safeguards specified for new tank fabrication or construction permit areas.

(e) Authorization. Only the area supervisor may authorize an employee to enter a tank trailer, dry bulk trailer or truck within the permit area. The area supervisor must determine that the entry permit requirements have been met before authorizing entry.

NEW SECTION

**WAC 296-62-14549 Appendix D—Sample form.**

**SEWER ENTRY PERMIT**

**Confined Space Preentry Check List**

See Safety Procedure.

A confined space either is entered through an opening other than a door (such as manhole or side port) or requires the use of a ladder or rungs to reach the working level and test results are satisfactory. This check list must be filled out whenever the job site meets this criteria.

- |  | Yes | No  |
|--|-----|-----|
| 1. Did your survey of the surrounding area show it to be free of hazards such as drifting vapors from tanks, piping or sewers?                     | ( ) | ( ) |
| 2. Does your knowledge of industrial or other discharges indicate this area is likely to remain free of dangerous air contaminants while occupied? | ( ) | ( ) |
| 3. Are you certified in operation of the gas monitor to be used?   | ( ) | ( ) |
| 4. Has a gas monitor functional test (Bump test) been performed this shift on the gas monitor to be used?  | ( ) | ( ) |
| 5. Did you test the atmosphere of the confined space prior to entry?   | ( ) | ( ) |
| 6. Did the atmosphere check as acceptable (no alarms given)?   | ( ) | ( ) |
| 7. Will the atmosphere be continuously monitored while the space is occupied?  | ( ) | ( ) |

Contact (911 or local emergency number) for personnel rescue by local fire department in the event of an emergency. If on-site (name of work site), contact .....

Notice: If any of the above questions are answered "no" do not enter. Contact your immediate supervisor.

Job  
Location .....  
LEAD PERSON  
Signature ..... Date .....

WAC 296-62-14549, Appendix D, Example 1-B  
 Confined Space Entry Permit (Pre-Entry/Entry Check List)

Date and Time Issued: \_\_\_\_\_

Date and Time Expires: \_\_\_\_\_

Job Site: \_\_\_\_\_

Job Supervisor: \_\_\_\_\_

Equipment to be worked on: \_\_\_\_\_

Work to be performed: \_\_\_\_\_

Pre-Entry (See Safety Procedure)

1. Atmospheric Checks: Time: \_\_\_\_\_  
 Oxygen \_\_\_\_\_ %  
 Explosive \_\_\_\_\_ % L.F.L.  
 Toxic \_\_\_\_\_ PPM
2. Source isolation (No Entry) N/A Yes No  
 Pumps or lines blinded, ( ) ( ) ( )  
 disconnected, or blocked ( ) ( ) ( )
3. Ventilation Modification: N/A Yes No  
 Mechanical ( ) ( ) ( )  
 Natural Ventilation only ( ) ( ) ( )
4. Atmospheric check after isolation and ventilation  
 Oxygen \_\_\_\_\_ % > 19.5%  
 Explosive \_\_\_\_\_ % L.F.L. < 10 %  
 Toxic \_\_\_\_\_ PPM < 10 PPM H<sub>2</sub>S  
 Time \_\_\_\_\_

Entry (See Safety Procedure)

1. Entry, standby, and backup persons: Yes No  
 Successfully completed required ( ) ( )  
 training? ( ) ( )  
 Is it current? ( ) ( )
2. Equipment: N/A Yes No  
 Direct reading as monitor - tested ( ) ( ) ( )  
 Safety harnesses and lifelines for entry and standby persons ( ) ( ) ( )  
 Hoisting equipment ( ) ( ) ( )  
 Powered communications ( ) ( ) ( )  
 SCBA's for entry and standby persons ( ) ( ) ( )  
 Protective Clothing ( ) ( ) ( )  
 All electric equipment listed Class I, Division I, Group D and Non-sparking tools ( ) ( ) ( )
3. Rescue Procedure: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If conditions are in compliance with the above requirements and there is no reason to believe conditions may change adversely, then proceed to the Permit Space Pre-Entry Check List. Complete and post with this permit. If conditions are not in compliance with the above requirements or there is reason to believe that conditions may change adversely, proceed to the Entry Check List portion of this permit.

We have reviewed the work authorized by this permit and the information contained herein. Written instructions and safety procedures have been received and are understood. Entry cannot be approved if any squares are marked in the "No" column. This permit is not valid unless all appropriate items are completed.

Permit and Check List Prepared By (Supervisor): \_\_\_\_\_

Approved By (Unit Supervisor): \_\_\_\_\_

Reviewed By (Confined Space Operations Personnel): \_\_\_\_\_ (printed name and signature)

This permit is to be kept at job site. Return job site copy to Safety Office following job completion.  
 Copies: White Original (Safety Office) Yellow (Unit Supervisor) Hard (Job Site)

[ 165 ]

Proposed

Washington State Register, Issue 93-10

WSR 93-10-101

PROPOSED

Proposed

WAC 296-62-14549 Appendix D - 2

ENTRY PERMIT

PERMIT VALID FOR 8 HOURS ONLY. ALL COPIES OF PERMIT WILL REMAIN AT JOB SITE UNTIL JOB IS COMPLETED

SITE LOCATION AND DESCRIPTION \_\_\_\_\_
PURPOSE OF ENTRY \_\_\_\_\_
SUPERVISOR(S) in charge of crews \_\_\_\_\_ Type of Crew \_\_\_\_\_ Telephone # \_\_\_\_\_

Table with 6 columns: REQUIREMENTS COMPLETED, DATE, TIME, REQUIREMENTS COMPLETED, DATE, TIME. Lists safety requirements like Lock Out/De-energize, Breathing Apparatus, etc.

Note: Items that do not apply enter N/A in the blank.
\*\* RECORD CONTINUOUS MONITORING RESULTS EVERY 2 HOURS

Table with 6 columns: TEST(S) TO BE TAKEN, PERCENT OF OXYGEN, LOWER FLAMMABLE LIMIT, CARBON MONOXIDE, Aromatic Hydrocarbon, Hydrogen Cyanide, Hydrogen Sulfide, Sulfur Dioxide, Ammonia.

\* Short-term exposure limit: Employees can work in the area up to 15 minutes.
+ 8 hr. Time Weighted Avg.: Employees can work in area 8 hrs. (longer with appropriate respiratory protection).

REMARKS:
GAS TESTER NAME & CHECK # INSTRUMENT(S) USED MODEL &/OR TYPE SERIAL &/OR UNIT #

SAFETY STANDBY PERSON IS REQUIRED FOR ALL CONFINED SPACE WORK
SAFETY STANDBY PERSON(S) CHECK # NAME OF SAFETY STANDBY PERSON(S) CHECK #

SUPERVISOR AUTHORIZING ENTRY AMBULANCE # FIRE #
ALL ABOVE CONDITIONS SATISFIED Safety # Gas Coordinator #
DEPARTMENT Telephone Original to Department Pink Copy to Safety

[ 66 ]



NEW SECTION**WAC 296-62-14551 Appendix E—Sewer system entry.**

Sewer entry differs in three vital respects from other permit entries; first, there rarely exists any way to completely isolate the space (a section of a continuous system) to be entered; second, because isolation is not complete, the atmosphere may suddenly and unpredictably become lethally hazardous (toxic, flammable or explosive) from causes beyond the control of the entrant or employer; and third, experienced sewer workers are especially knowledgeable in entry and work in their permit spaces because of their frequent entries. Unlike other employments where permit space entry is a rare and exceptional event, sewer workers' usual work environment is a permit space.

(1) Adherence to procedure. The employer should designate as entrants only employees who are thoroughly trained in the employer's sewer entry procedures and who demonstrate that they follow these entry procedures exactly as prescribed when performing sewer entries.

(2) Atmospheric monitoring. Entrants should be trained in the use of, and be equipped with, atmospheric monitoring equipment which sounds an audible alarm, in addition to its visual readout, whenever one of the following conditions is encountered: Oxygen concentration less than 19.5 percent; flammable gas or vapor at 10 percent or more of the lower flammable limit (LFL); or hydrogen sulfide or carbon monoxide at or above their PEL (10 ppm or 50 ppm, respectively); or, if a broad range sensor device is used, at 100 ppm as characterized by its response to toluene. Normally, the oxygen sensor/broad range sensor instrument is best suited for sewer entry. However, substance specific devices should be used whenever actual contaminants have been identified. The instrument should be carried and used by the entrant in sewer line work to monitor the atmosphere in the entrant's environment, and in advance of the entrants' direction of movement, to warn the entrant of any deterioration in atmospheric conditions. Where several entrants are working together in the same immediate location, one instrument, used by the lead entrant, is acceptable.

(3) Surge flow and flooding. Sewer crews should develop and maintain liaison, to the extent possible, with the local weather bureau and fire and emergency services in their area so that sewer work may be delayed or interrupted and entrants withdrawn whenever sewer lines might be suddenly flooded by rain or fire suppression activities, or whenever flammable or other hazardous materials are released into sewers during emergencies by industrial or transportation accidents.

(4) Special Equipment. Entry into large bore sewers may require the use of special equipment. Such equipment might include such items as atmosphere monitoring devices with automatic audible alarms, escape self-contained breathing apparatus (ESCBAs) with at least 10 minute air supply (or other NIOSH approved self-rescuer), and waterproof flashlights, and may also include boats and rafts, radios and rope stand-offs for pulling around bends and corners as needed.

PROPOSED

NEW SECTION

WAC 296-62-14553 Appendix F—Hot work permit.

WAC 296-62-14553  
Appendix F

HOT WORK PERMIT

This permit is valid only for the location and time shown and is required for any temporary operation involving open flames or producing heat and/or sparks.

=====  
Hot Work Location: \_\_\_\_\_  
Department: \_\_\_\_\_  
Description of Work: \_\_\_\_\_  
Name of Person(s) Conducting Hot Work: \_\_\_\_\_  
Name of Person Acting as Fire Watch: \_\_\_\_\_  
Date and Time Work Started: \_\_\_\_\_  
Date and Time Work Completed: \_\_\_\_\_  
=====

TYPE OF HAZARDOUS WORK

Combustion Hazards                      Spark Producing                      Electrical  
    \_\_\_\_\_ Welding                      \_\_\_\_\_ Chipping                      \_\_\_\_\_ Other  
    \_\_\_\_\_ Burning                      \_\_\_\_\_ Grinding  
    \_\_\_\_\_ Open Flame                      \_\_\_\_\_ Drilling

FIRE SAFETY

- \_\_\_\_\_ Sweep floors clean, wet down combustibile floors, or cover with protective non-combustibile cover.
- \_\_\_\_\_ Move combustibile material 35 feet away. Cover or isolate items which cannot be moved.
- \_\_\_\_\_ Make sure extinguishers/sprinkler system are operable and in service.
- \_\_\_\_\_ Fire watch provided with and trained in the of use fire extinguishing equipment.
- \_\_\_\_\_ Maintain fire watch for at least 30 minutes following completion of hot work operations.
- \_\_\_\_\_ Don't use equipment near flammable liquids, or on closed tanks which have held flammable liquids or other combustibles. Remove inside deposits before working on ducts.
- \_\_\_\_\_ Atmosphere in work area evaluated for flammability.
- \_\_\_\_\_ Cutting and welding equipment inspected and in good condition.

=====  
We have examined the above location and information contained herein. All precautions have been taken to avoid any possible fire hazard, and permission is authorized for this work.

Date and Time Permit Issued: \_\_\_\_\_  
Date and Time Permit Expires: \_\_\_\_\_

Signed \_\_\_\_\_ Foreman  
Signed \_\_\_\_\_ Fire Safety Supervisor

**AMENDATORY SECTION** (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-012 Definitions applicable to all sections of this chapter.**

Note: Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section. Certain parts of this chapter contain definitions as they apply to that particular part.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the bureau of mines, the provisions of WAC 296-155-006 shall apply.

(2) "Assistant director" means the individual in charge of the division of industrial safety and health, department of labor and industries, or an authorized representative.

(3) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(4) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(5) "Confined or enclosed space" means ~~((any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels))~~ a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

(6) "Construction work" shall mean and include all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

(7) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(8) "Department" means the department of labor and industries.

(9) "Designated person" means "authorized person" as defined in subsection (3) of this section.

(10) "Director" means the director of the department of labor and industries, or his designated representative.

(11) "Division" means the division of industrial safety and health of the department.

(12) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: *Provided,* that any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(13) "Equipment" means all machinery, devices, tools, facilities, safeguards, and protective construction used in connection with construction operations.

(14) "Ground fault circuit interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(15) "Hazard" means that condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

(16) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(17) "Maintenance" means the work of keeping a building, machine, roadway, etc., in a state of good repair.

(18) "Part" means a major division, of this chapter, relating to a specific topic or topics and containing various sections, subsections, etc.

(19) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(20) "Repair" means to restore a building, machine, roadway, etc., to an original state after damage or decay.

(21) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(22) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(23) "Shall" means that the provision(s) of the standard are mandatory.

(24) "Substantial" means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock and usage.

(25) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of

accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries through the division of industrial safety and health.

(26) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(27) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

(28) "Worker," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

(29) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(30) Abbreviations used in this chapter:

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

(b) "API" means American Petroleum Institute.

(c) "ASA" means American Standards Association.

(d) "ASAE" means American Society of Agricultural Engineers.

(e) "ASHRE" means American Society of Heating and Refrigeration Engineers.

(f) "ASME" means American Society of Mechanical Engineers.

(g) "ASTM" means American Society of Testing and Materials.

(h) "AWS" means American Welding Society.

(i) "BTU" means British thermal unit.

(j) "BTUH" means British thermal unit per hour.

(k) "CFM" means cubic feet per minute.

(l) "CFR" means Code of Federal Register.

(m) "CGA" means Compressed Gas Association.

(n) "CIE" means Commission Internationale de l'Eclairage.

(o) "DOT" means department of transportation.

(p) "FRP" means fiberglass reinforced plastic.

(q) "GPM" means gallons per minute.

(r) "ICC" means Interstate Commerce Commission.

(s) "ID" means inside diameter.

(t) "LPG" means liquefied petroleum gas.

(31) Additional abbreviations used in this chapter:

(a) "MCA" means Manufacturing Chemist Association.

(b) "MSHA" means United States Department of Labor, Mine Safety and Health Administration.

(c) "NBFU" means National Board of Fire Underwriters.

(d) "NEMA" means National Electrical Manufacturing Association.

(e) "NFPA" means National Fire Protection Association.

(f) "NTP" means normal temperature and pressure.

(g) "OD" means outside diameter.

(h) "PSI" means pounds per square inch.

(i) "PSIA" means pounds per square inch absolute.

(j) "PSIG" means pounds per square inch gauge.

(k) "RMA" means Rubber Manufacturers Association.

(l) "SAE" means Society of Automotive Engineers.

(m) "TFI" means The Fertilizer Institute.

(n) "TSC" means Trailer Standard Code.

(o) "UL" means Underwriters' Laboratories, Inc.

(p) "USASI" means United States of America Standards Institute.

(q) "USC" means United States Code.

(r) "USCG" means United States Coast Guard.

(s) "WAC" means Washington Administrative Code.

(t) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-203 Confined spaces.** All work conducted in a confined space shall comply with the provisions of chapter 296-62 WAC Part M, and the following sections.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-155-20301 Definitions.** (1) Confined space - (~~Any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels~~) A space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy. (See (~~WAC 296-62-14501(1)~~)) chapter 296-62 WAC Part M.

(2) Toxic atmospheres - Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC.

(3) Chemical contact agents - Defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres - Atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as

acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See ((~~WAC 296-62-14501(4)~~)) chapter 296-62 WAC Part M.)

(5) Flammable atmospheres - Atmospheres in excess of ((~~20~~)) 10% of the lower explosive limit. These are usually toxic as well as flammable. (See ((~~WAC 296-62-14501(5)~~)) chapter 296-62 WAC Part M.)

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

**WAC 296-155-20307 Confined space work on sewer systems under construction.** New systems under construction or new installations which have not yet been connected to a used system, may substitute forced ventilation for the testing requirements of ((~~WAC 296-62-14523~~)) chapter 296-62 WAC Part M provided:

(1) Ventilation is effectively provided at least five minutes prior to entry into the confined space;

(2) Ventilation is provided, as required by WAC 296-62-110, et seq., which supplies a continuous flow of air;

(3) Ventilation exhaust is discharged so as to present no hazard to other employees;

(4) A watchman is provided at the surface when there are employees in the manhole or pipe. The watchman shall not leave the manhole unattended until such time as all employees are out and the cover has been replaced; and

(5) All other requirements for confined spaces are observed. See chapter 296-62 WAC Part M.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-155-24510 Fall restraint, fall arrest systems.** (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements.

(2) Fall restraint protection shall consist of:

(a) Standard guardrails as described in ((~~WAC 296-155-505(6)~~)) chapter 296-155 WAC Part K.

(b) Safety belts and/or harness attached to securely rigged restraint lines.

(i) Safety belts and/or harness shall conform to ANSI Standard:

Class I - body belt

Class II - chest harness

Class III - full body harness

Class IV - suspension/position belt

(ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

(iv) The employer shall ensure component compatibility.

(v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and

other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(vi) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.

(vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.

(c) A warning line system as prescribed in the WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect worker engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.

(d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through (5)(f) and 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.

(3) Fall arrest protection shall consist of:

(a) Full body harness.

(i) An approved Class III full body harness shall be used.

(ii) Body harness system or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(iii) All safety lines and lanyards shall be protected against being cut or abraded.

(iv) Body harness system shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.

(v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.

(vi) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.

(vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

(viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self-retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.

(ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

(x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact

load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

(xiii) Snap-hooks shall not be connected to loops made in webbing-type lanyards.

(xiv) Snap-hooks shall not be connected to each other.

(xv) Not more than one snap-hook shall be connected to any one D-ring unless they are the double locking type.

(xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety nets.

(i) All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test.

(ii) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(iii) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.

(iv) Safety nets shall extend outward at least 8 feet from the outermost projection of the work surface.

(v) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(vii) of this section.

(vi) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(vii) of this section.

(vii) Safety nets and safety net installations shall be drop-tested at the jobsite before used as a fall protection system. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop-test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.

(viii) Safety nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.

(ix) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(x) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm<sup>2</sup>) nor be longer than six inches (15 cm) on any side measured center-to-center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(xi) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(xii) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(4) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces as described in ((WAC 296-62-145)) chapter 296-62 WAC Part M.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

**WAC 296-155-300 Accident prevention signs and tags.** (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs.

(a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs.

(a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

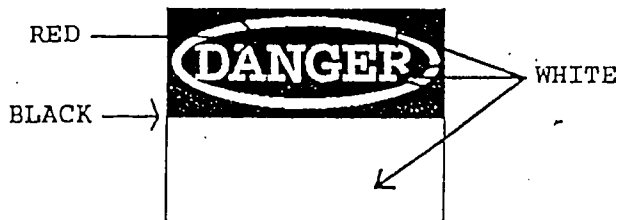


FIGURE E-1

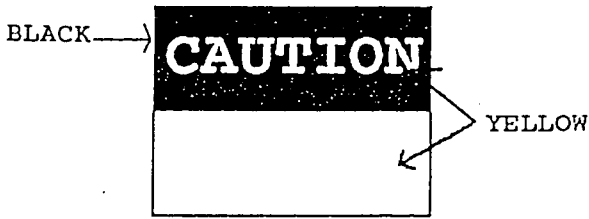


FIGURE E-2

(4) Exit signs.

(a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs.

(a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to and be set up according to American National Standards Institute D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways as amended by the Washington state department of transportation (M24-OT (HT)).

(8) Accident prevention tags.

(a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1972 and Z35.2-1968 with respect to rules not specifically prescribed in this part.

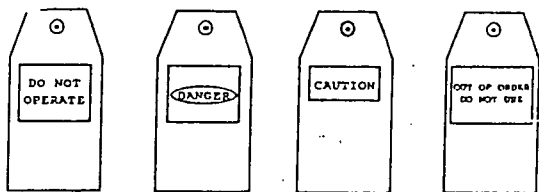


TABLE E-1

White tag- White letters on red square	White tag- White letters on red oval with a black square	Yellow tag- Yellow letters on a black background	White tag- White letters on black background
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Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black Do Not Use	Out of Order-

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

**WAC 296-155-305 Signaling. Flaggers.**

(1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flaggers or other appropriate traffic controls shall be provided.

(2) Signaling directions by flaggers shall conform to American National Standards Institute D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of transportation. (M24-01 (HT).)

(3) Hand signaling by flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI D6.1-((1978)) 1988, Manual on Uniform Traffic Control Devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI D6.1 current edition.

(4) Flaggers shall wear an orange warning garment and a yellow protective helmet while flagging. Warning garments worn at night shall be of reflectorized material. Yellow is specified as the color of helmets; the issue is clearly one of high visibility. Other colors providing equal visibility than the specified yellow will be acceptable. The iridescent or reflectorized hard hats, available in several colors, which provide "high visibility" in both day and night applications, will meet standard specifications.

(5) Each flagger shall be trained every three years in accordance with the American National Standards Institute (ANSI) D6.1-1978 manual on uniform traffic control devices as amended by the Washington state department of transportation (M 24-01 (HT)).

Note: Personnel that have not completed a flagging course may be assigned duties as flaggers only during emergencies when a

sudden, generally unexpected, set of circumstances demands immediate attention.

(6) Each flagger shall have in their possession a valid certificate which verifies completion of the training prescribed in subsection (5) of this section. Each certificate shall contain the date the card expires.

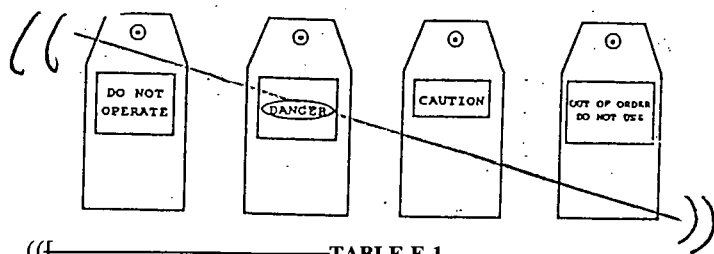


TABLE E-1

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order-Do Not Use

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

**WAC 296-155-310 Barricades.** Barricades for protection of employees shall conform to the portions of the American National Standards Institute D6.1-((1974)) 1988, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of highways, (M24-01 (HT)), relating to barricades.

**AMENDATORY SECTION** (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

**WAC 296-155-444 General requirements.** (1) Approval. All electrical conductors and equipment shall be approved.

- (2) Examination, installation, and use of equipment.
  - (a) Examination. The employer shall ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined on the basis of the following considerations:
    - (i) Suitability for installation and use in conformity with the provisions of this part. Suitability of equipment for an identified purpose may be evidenced by listing, labeling, or certification for that identified purpose.
    - (ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

- (iii) Electrical insulation.
- (iv) Heating effects under conditions of use.
- (v) Arcing effects.
- (vi) Classification by type, size, voltage, current capacity, specific use.
- (vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed, labeled, or certified equipment shall be installed and used in accordance with instructions included in the listing, labeling, or certification.

- (3) Interrupting rating. Equipment intended to break current shall have an interrupting rating at system voltage sufficient for the current that must be interrupted.
- (4) Mounting and cooling of equipment.
  - (a) Mounting. Electric equipment shall be firmly secured to the surface on which it is mounted. Wooden plugs driven into holes in masonry, concrete, plaster, or similar materials shall not be used.
  - (b) Cooling. Electrical equipment which depends upon the natural circulation of air and convection principles for cooling of exposed surfaces shall be installed so that room air flow over such surfaces is not prevented by walls or by adjacent installed equipment. For equipment designed for floor mounting, clearance between top surfaces and adjacent surfaces shall be provided to dissipate rising warm air. Electrical equipment provided with ventilating openings shall be installed so that walls or other obstructions do not prevent the free circulation of air through the equipment.

(5) Splices. Conductors shall be spliced or joined with splicing devices designed for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device designed for the purpose.

- (6) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.
- (7) Marking. Electrical equipment shall not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment and unless other markings are provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(8) Identification of disconnecting means and circuits. Each disconnecting means required by this part for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(9) Construction site. Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.



(10) (~~750~~) 600 volts, nominal, or less. This subsection applies to equipment operating at (~~750~~) 600 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere in this part, the dimension of the working space in the direction of access to live parts operating at (~~750~~) 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive shall not be less than indicated in Table I-1. In addition to the dimensions shown in Table I-1, workspace shall not be less than 30 inches (762 mm) wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Walls constructed of concrete, brick, or tile are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table I-1  
Working Clearances

Nominal Voltage to Ground	Minimum Clear Distance for Conditions <sup>1</sup>		
	(a)	(b)	(c)
	Feet <sup>2</sup>	Feet <sup>2</sup>	Feet <sup>2</sup>
0-150 .....	3	3	3
151- <del>(750)</del> <u>600</u> .....	3	3 1/2	4

<sup>1</sup> Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. (c) Exposed live parts on both sides of the workspace not guarded provided in condition (a) with the operator between.

<sup>2</sup> Note: For International System of Units (SI): One foot=0.3048m.

(ii) Clear spaces. Working space required by this part shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be guarded.

(iii) Access and entrance to working space. At least one entrance shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment shall not be less than 3 feet (914 mm).

(v) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches (1.91 m).

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this part, live parts of electric equipment operating at 50 volts or

more shall be guarded against accidental contact by cabinets or other forms of enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(C) By location on a balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet (2.44 m) or more above the floor or other working surface and so installed as to exclude unqualified persons.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(11) Over (~~750~~) 600 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding (~~750~~) 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c), and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) Enclosure for electrical installations. Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other equivalent means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet (2.44 m) in height is not considered adequate to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot (2.44 m) fence. The entrances to all buildings, rooms or enclosures containing exposed live parts or exposed conductors operating at over (~~750~~) 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) Installations accessible to qualified persons only. Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) Installations accessible to unqualified persons. Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(c) Workspace about equipment. Sufficient space shall be provided and maintained about electric equipment to

permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace shall not be less than 6 feet 6 inches (1.98 m) high (measured vertically from the floor or platform,) or less than 3 feet (914 mm) wide (measured parallel to the equipment.) The depth shall be as required in Table I-2. The workspace shall be adequate to permit at least a ninety degree opening of doors or hinged panels.

(i) Working space. The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment shall not be less than specified in Table I-2 unless otherwise specified in this part. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on de-energized parts on the back of enclosed equipment, a minimum working space of 30 inches (762 mm) horizontally shall be provided.

Table I-2  
Minimum Depth of Clear Working Space in Front of electric Equipment

Nominal Voltage to Ground	Minimum Clear Distance for Conditions <sup>1</sup>		
	(a)	(b)	(c)
	Feet <sup>2</sup>	Feet <sup>2</sup>	Feet <sup>2</sup>
<del>(751)</del> 601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV	6	8	10
Above 75kV	8	10	12

<sup>1</sup> Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Walls constructed of concrete, brick, or the tile are considered to be grounded surfaces. (c) Exposed live parts on both sides of the workspace (not guarded as provided in Condition (a)) with the operator between.

<sup>2</sup> Note: For SI units: One foot=0.3048m.

(ii) Lighting outlets and points of control. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) Elevation of unguarded live parts. Unguarded live parts above working space shall be maintained at elevations not less than specified in Table I-3.

Table I-3  
Elevation of Unguarded Energized Parts Above Working Space

Nominal Voltage to Between Phases	Minimum Elevation
<del>(751)</del> 601 to 7,500	8 feet 6 inches <sup>1</sup>
7,501 to 35,000	9 feet
Over 35kV	9 feet + 0.37 inches per kV above 35kV

<sup>1</sup> Note: For SI units: One inch=25.4mm, one foot=0.3048m.

(d) Entrance and access to workspace. At least one entrance not less than 24 inches (610 mm) wide and 6 feet 6 inches (1.98 m) high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches (1.22 m) in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above ~~(750)~~ 600 volts are located adjacent to such entrance, they shall be guarded.

(12) Welding and cutting equipment. Welding and cutting equipment shall meet the requirements specified in Parts D and H of this chapter.

**AMENDATORY SECTION** (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-447 Wiring design and protection.**

(1) Use and identification of grounded and grounding conductors.

(a) Identification of conductors. A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) Polarity of connections. No grounded conductor shall be attached to any terminal or lead so as to reverse designated polarity.

(c) Use of grounding terminals and devices. A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug shall not be used for purposes other than grounding.

(2) Branch circuits.

(a) Ground-fault protection.

(i) General. The employer shall use either ground-fault circuit interrupters as specified in (a)(ii) of this subsection or an assured equipment grounding conductor program as specified in (a)(iii) of this subsection to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(ii) Ground-fault circuit interrupters. All 120-volt, single-phase, 15-ampere and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(iii) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the building or structure, and equipment connected by cord and plug which are available for use or used by employees. This program shall comply with the following minimum requirements:

(A) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director and any affected employee.

(B) The employer shall designate one or more competent persons (as defined in WAC 296-155-012(4)) to implement the program, and to perform continuing tests and inspections as required.

(C) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indications of possible internal damage. Equipment found damaged or defective shall not be used until repaired.

(D) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and cord-connected and plug-connected equipment required to be grounded:

(I) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(II) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(III) Each outlet receptacle, or power source shall be tested to ensure proper polarity.

(E) All required tests shall be performed:

(I) Before first use;

(II) Before equipment is returned to service following any repairs;

(III) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(IV) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(F) The employer shall not make available or permit the use by employees of any equipment which has not met the requirements of (a)(iii) of this subsection.

(G) Tests performed as required in this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord-connected and plug-connected equipment that passed the test and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the director and any affected employee.

(b) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served and shall comply with the following:

(i) Single receptacles. A single receptacle installed on an individual branch circuit shall have an ampere rating of not less than that of the branch circuit.

(ii) Two or more receptacles. Where connected to a branch circuit supplying two or more receptacles or outlets, receptacle ratings shall conform to the values listed in Table I-4.

(iii) Receptacles used for the connection of motors. The rating of an attachment plug or receptacle used for cord-connection and plug-connection of a motor to a branch circuit shall not exceed 15 amperes at 125 volts or 10 amperes at 250 volts if individual overload protection is omitted.

Table I-4  
Receptacle Ratings for Various Size Circuits

Circuit Rating Amperes	Receptacle Rating Amperes
15	Not Over 15
20	15 or 20
30	30
40	40 or 50
50	50

(3) Outside conductors and lamps.

(a) ~~(750)~~ 600 volts, nominal, or less. (a)(i) through (iv)(D) of this subsection apply to branch circuit, feeder, and service conductors rated ~~(750)~~ 600 volts, nominal, or less and run outdoors as open conductors.

(i) Conductors on poles. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(A) Power conductors below communication conductors: 30 inches (762 mm).

(B) Power conductors alone or above communication conductors: 300 volts or less—24 inches (610 mm); more than 300 volts—30 inches (762 mm).

(C) Communication conductors below power conductors: With power conductors 300 volts or less—24 inches (610 mm); more than 300 volts—30 inches (762 mm).

(ii) Clearance from ground. Open conductors shall conform to the following minimum clearances:

(A) 10 feet (3.05 m)—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(B) 12 feet (3.66 m)—over areas subject to vehicular traffic other than truck traffic.

(C) 15 feet (4.57 m)—over areas other than those specified in (a)(ii)(D) of this subsection that are subject to truck traffic.

(D) 18 feet (5.49 m)—over public streets, alleys, roads, and driveways.

(iii) Clearance from building openings. Conductors shall have a clearance of at least 3 feet (914 mm) from windows, doors, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet (914 mm) away.

(iv) Clearance over roofs. Conductors above roof space accessible to employees on foot shall have a clearance from

the highest point of the roof surface of not less than 8 feet (2.44 m) vertical clearance for insulated conductors, not less than 10 feet (3.05 m) vertical or diagonal clearance for covered conductors, and not less than 15 feet (4.57 m) for bare conductors, except that:

(A) Where the roof space is also accessible to vehicular traffic, the vertical clearance shall not be less than 18 feet (5.49 m); or

(B) Where the roof space is not normally accessible to employees on foot, fully insulated conductors shall have a vertical or diagonal clearance of not less than 3 feet (914 mm); or

(C) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches (102 mm) in 12 inches (305 mm), the clearance from roofs shall be at least 3 feet (914 mm); or

(D) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet (1.22 m) of the overhang portion of the roof and they are terminated at a through-the-roof raceway or support, the clearance from roofs shall be at least 18 inches (457 mm).

(b) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4) Services.

(a) Disconnecting means.

(i) General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Simultaneous opening of poles. Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(b) Services over ~~((750))~~ 600 volts, nominal. The following additional requirements apply to services over ~~((750))~~ 600 volts, nominal.

(i) Guarding. Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) Warning signs. Signs warning of high voltage shall be posted where unauthorized employees might come in contact with live parts.

(5) Overcurrent protection.

(a) ~~((750))~~ 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated ~~((750))~~ 600 volts, nominal, or less.

(i) Protection of conductors and equipment. Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current. Conductors shall have sufficient ampacity to carry the load.

(ii) Grounded conductors. Except for motor-running overload protection, overcurrent devices shall not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) Disconnection of fuses and thermal cutouts. Except for devices provided for current-limiting on the supply side of the service disconnecting means, all cartridge fuses which

are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(iv) Location in or on premises. Overcurrent devices shall be readily accessible. Overcurrent devices shall not be located where they could create an employee safety hazard by being exposed to physical damage or located in the vicinity of easily ignitable material.

(v) Arcing or suddenly moving parts. Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.

(vi) Circuit breakers.

(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position.

(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be marked "SWD."

(b) Over ~~((750))~~ 600 volts, nominal. Feeders and branch circuits over ~~((750))~~ 600 volts, nominal, shall have short-circuit protection.

(6) Effective grounding. The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have the impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit. (a) through (k) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. The following systems which supply premises wiring shall be grounded:

(i) Three-wire DC systems. All three-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems. Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless they are rectifier-derived from an AC system complying with (a)(iii), (iv), and (v) of this subsection.

(iii) AC circuits, less than 50 volts. AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems, 50 volts to 1000 volts. AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) Exceptions. AC systems of 50 volts to 1000 volts are not required to be grounded if the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(A) The system is used exclusively for control circuits;

(B) The conditions of maintenance and supervision assure that only qualified persons will service the installation;

(C) Continuity of control power is required; and

(D) Ground detectors are installed on the control system.

(b) Separately derived systems. Where (a) of this subsection requires grounding of wiring systems whose power is derived from generator, transformer, or converter windings and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system, (e) of this subsection shall also apply.

(c) Portable and vehicle-mounted generators.

(i) Portable generators. Under the following conditions, the frame of a portable generator need not be grounded and may serve as the grounding electrode for a system supplied by the generator:

(A) The generator supplies only equipment mounted on the generator and/or cord-connected and plug-connected equipment through receptacles mounted on the generator; and

(B) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame.

(ii) Vehicle-mounted generators. Under the following conditions the frame of a vehicle may serve as the grounding electrode for a system supplied by a generator located on the vehicle:

(A) The frame of the generator is bonded to the vehicle frame; and

(B) The generator supplies only equipment located on the vehicle and/or cord-connected and plug-connected equipment through receptacles mounted on the vehicle or on the generator; and

(C) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame; and

(D) The system complies with all other provisions of this section.

(iii) Neutral conductor bonding. A neutral conductor shall be bonded to the generator frame if the generator is a component of a separately derived system. No other conductor need be bonded to the generator frame.

(d) Conductors to be grounded. For AC premises wiring systems the identified conductor shall be grounded.

(e) Grounding connections.

(i) Grounded system. For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the

supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) Ungrounded systems. For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(f) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(g) Supports, enclosures, and equipment to be grounded.

(i) Supports and enclosures for conductors. Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; and

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

(I) Runs are less than 25 feet (7.62 m);

(II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and

(III) Enclosures are guarded against employee contact.

(ii) Service equipment enclosures. Metal enclosures for service equipment shall be grounded.

(iii) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet (2.44 m) vertically or 5 feet (1.52 m) horizontally of ground or grounded metal objects and subject to employee contact.

(B) If located in a wet or damp location and subject to employee contact.

(C) If in electrical contact with metal.

(D) If in a hazardous (classified) location.

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(F) If equipment operates with any terminal at over 150 volts to ground; however, the following need not be grounded:

(I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and

(III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet (2.44 m) above ground or grade level.

(iv) Equipment connected by cord and plug. Under any of the conditions described in (g)(iv) (A) through (C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded:

(A) If in a hazardous (classified) location (see WAC 296-155-444).

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.

(C) If the equipment is one of the types listed in (g)(iv)(C)(I) through (V) of this subsection. However, even though the equipment may be one of these types, it need not be grounded if it is exempted by (g)(iv)(C)(VI) of this subsection.

(I) Hand held motor-operated tools;

(II) Cord-connected and plug-connected equipment used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(III) Portable and mobile x-ray and associated equipment;

(IV) Tools likely to be used in wet and/or conductive locations; and

(V) Portable hand lamps.

(VI) Tools likely to be used in wet and/or conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances protected by a system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes a system of double insulation.

(v) Nonelectrical equipment. The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand-operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 1kV between conductors.

(h) Methods of grounding equipment.

(i) With circuit conductors. Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this part, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Grounding conductor. A conductor used for grounding fixed or movable equipment shall have capacity to conduct safely any fault current which may be imposed on it.

(iii) Equipment considered effectively grounded. Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in (h)(i) of this subsection. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(i) Bonding.

(i) If bonding conductors are used to assure electrical continuity, they shall have the capacity to conduct any fault current which may be imposed.

(ii) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(j) Made electrodes. If made electrodes are used, they shall be free from nonconductive coatings, such as paint or enamel; and, if practicable, they shall be embedded below permanent moisture level. A single electrode consisting of a rod, pipe or plate which has a resistance to ground greater than 25 ohms shall be augmented by one additional electrode installed no closer than 6 feet (1.83 m) to the first electrode.

(k) Grounding of systems and circuits of 1000 volts and over (high voltage).

(i) General. If high voltage systems are grounded, they shall comply with all applicable provisions of (a) through (j) of this subsection as supplemented and modified by (k) of this subsection.

(ii) Grounding of systems supplying portable or mobile equipment. Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to de-energize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet (6.1 m) from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence or like objects.

(iii) Grounding of equipment. All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet (2.44 m) above ground or grade level need not be grounded.

**AMENDATORY SECTION** (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

**WAC 296-155-449 Wiring methods, components, and equipment for general use.** (1) Wiring methods. The provisions of this subsection do not apply to conductors

which form an integral part of equipment such as motors, controllers, motor control centers and like equipment.

(a) General requirements.

(i) Electrical continuity of metal raceways and enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) Wiring in ducts. No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type shall be installed in any duct used for vapor removal or in any shaft containing only such ducts.

(iii) Receptacles for attachment plugs shall be approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact. All temporary outlet boxes shall be of a type suitable for use in wet or damp locations.

(iv) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(b) Temporary wiring.

(i) Scope. The provisions of (b) of this subsection apply to temporary electrical power and lighting wiring methods which may be of a class less than would be required for a permanent installation. Except as specifically modified in (b) of this subsection, all other requirements of this part for permanent wiring shall apply to temporary wiring installations. Temporary wiring shall be removed immediately upon completion of construction or the purpose for which the wiring was installed.

(ii) General requirements for temporary wiring.

(A) Feeders shall originate in a distribution center. The conductors shall be run as multiconductor cord or cable assemblies or within raceways; or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet (3.05 m) apart.

(B) Branch circuits shall originate in a power outlet or panelboard. Conductors shall be run as multiconductor cord or cable assemblies or open conductors, or shall be run in raceways. All conductors shall be protected by overcurrent devices at their ampacity. Runs of open conductors shall be located where the conductors will not be subject to physical damage, and the conductors shall be fastened at intervals not exceeding 10 feet (3.05 m). No branch-circuit conductors shall be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if the branch circuit is run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor, and all receptacles shall be electrically connected to the grounding conductor. Receptacles for uses other than temporary lighting shall not be installed on branch circuits which supply temporary lighting. Receptacles shall not be connected to the same ungrounded conductor of multiwire circuits which supply temporary lighting.

(D) Disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(E) All lamps for general illumination shall be protected from accidental contact or breakage. Metal-case sockets shall be grounded.

(F) Temporary lights shall be equipped with hard usage (S or SJ types) electric cords with connections and insulation maintained in safe condition. "Brewery" cord (type CBO or NB) may be substituted for hard usage cord provided it is protected from physical damages. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall retain the insulation, outer sheath properties, flexibility, and usage characteristics of the cord being spliced.

When pin-type connectors or lampholders are utilized, the area of perforations caused by lampholder removal shall be restored to the insulation capabilities of the cord.

(G) Portable electric lighting used in wet and/or other conductive locations, as for example, drums, tanks, and vessels, shall be operated at 12 volts or less. However, 120-volt lights may be used if protected by a ground-fault circuit interrupter.

(H) A box shall be used wherever a change is made to a raceway system or a cable system which is metal clad or metal sheathed.

(I) Flexible cords and cables shall be protected from damage. Sharp corners and projections shall be avoided. Flexible cords and cables may pass through doorways or other pinch points, if protection is provided to avoid damage.

(J) Extension cord sets used with portable electric tools and appliances shall be of three-wire type and shall be designed for hard or extra-hard usage. Flexible cords used with temporary and portable lights shall be designed for hard or extra-hard usage.

Note: The National Electrical Code, ANSI/NFPA 70, in Article 400, Table 400-4, lists various types of flexible cords, some of which are noted as being designed for hard or extra-hard usage. Examples of these types of flexible cords include hard service cord (types S, ST, SO, STO) and junior hard service cord (types SJ, SJO, SJT, SJTO).

(iii) Guarding. For temporary wiring over ~~((750))~~ 600 volts, nominal, fencing, barriers, or other effective means shall be provided to prevent access of other than authorized and qualified personnel.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers. If metal covers are used, they shall be grounded. In energized installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) Pull and junction boxes for systems over ~~((750))~~ 600 volts, nominal. In addition to other requirements in this



section for pull and junction boxes, the following shall apply to these boxes for systems over ((750)) 600 volts, nominal:

(i) Complete enclosure. Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Covers. Boxes shall be closed by covers securely fastened in place. Underground box covers that weigh over 100 pounds (43.6 kg) meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical, a locking device shall be provided to ensure that the blades remain in the open position when so set.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures designed for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, fittings, and boxes. Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches and circuit breakers. Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this part. The conductor insulation shall be of a type that is suitable for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Permitted uses. Flexible cords and cables shall be suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration;

or

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair.

(ii) Attachment plugs for cords. If used as permitted in (a)(i)(C), (F), or (H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from a receptacle outlet.

(iii) Prohibited uses. Unless necessary for a use permitted in (a)(i) of this subsection, flexible cords and cables shall not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings, except as permitted in subsection (1)(b)(ii)(I) of this section;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(b) Identification, splices, and terminations.

(i) Identification. A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors.

(ii) Marking. Type SJ, SJO, SJT, SJTO, S, SO, ST, and STO cords shall not be used unless durably marked on the surface with the type designation, size, and number of conductors.

(iii) Splices. Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iv) Strain relief. Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(v) Cords passing through holes. Flexible cords and cables shall be protected by bushings or fittings where passing through holes in covers, outlet boxes, or similar enclosures.

(vi) Trailing cables shall be protected from damage.

(vii) Cord and cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(8) Portable cables over ((750)) 600 volts, nominal. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over ((750)) 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables shall not be operated with splices unless the splices are of the permanent molded, vulcanized, or other equivalent type. Termination enclosures shall be marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.



(a) General. Fixture wires shall be suitable for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting, fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires shall not be used as branch-circuit conductors except as permitted for Class 1 power-limited circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Live parts. Fixtures, lampholders, lamps, rosettes, and receptacles shall have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet (2.44 m) above the floor may have exposed parts.

(ii) Support. Fixtures, lampholders, rosettes, and receptacles shall be securely supported. A fixture that weighs more than 6 pounds (2.72 kg) or exceeds 16 inches (406 mm) in any dimension shall not be supported by the screw shell of a lampholder.

(iii) Portable lamps. Portable lamps shall be wired with flexible cord and an attachment plug of the polarized or grounding type. If the portable lamp uses an Edison-based lampholder, the grounded conductor shall be identified and attached to the screw shell and the identified blade of the attachment plug. In addition, portable handlamps shall comply with the following:

(A) Metal shell, paperlined lampholders shall not be used;

(B) Handlamps shall be equipped with a handle of molded composition or other insulating material;

(C) Handlamps shall be equipped with a substantial guard attached to the lampholder or handle;

(D) Metallic guards shall be grounded by the means of an equipment grounding conductor run within the power supply cord.

(iv) Lampholders. Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weather-proof type.

(v) Fixtures. Fixtures installed in wet or damp locations shall be identified for the purpose and shall be installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Configuration. Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating. Receptacles connected to circuits having different voltages, frequencies, or types of current (AC or DC) on the same premises shall be of such design that the attachment plugs used on these circuits are not interchangeable.

(ii) Damp and wet locations. A receptacle installed in a wet or damp location shall be designed for the location.

(c) Appliances.

(i) Live parts. Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, shall have no live parts normally exposed to employee contact.

(ii) Disconnecting means. A means shall be provided to disconnect each appliance.

(iii) Rating. Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This subdivision applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet (15.2 m) from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. The controller disconnecting means for motor branch circuits over ((750)) 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or wood-working machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions do not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of

equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet (2.44 m) or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) Application. The following subsections cover the installation of all transformers, except:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signaling circuits.

(ii) Operating voltage. The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Transformers over 35 kV. Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35 kV shall be in a vault.

(iv) Oil-insulated transformers. If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Fire protection. Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults. Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Pipes and ducts. Any pipe or duct system foreign to the vault installation shall not enter or pass through a transformer vault.

(viii) Material storage. Materials shall not be stored in transformer vaults.

(f) Capacitors.

(i) Drainage of stored charge. All capacitors, except surge capacitors or capacitors included as a component part

of other apparatus, shall be provided with an automatic means of draining the stored charge and maintaining the discharged state after the capacitor is disconnected from its source of supply.

(ii) Over ~~((750))~~ 600 volts. Capacitors rated over ~~((750))~~ 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

#### AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-459 Special systems.** (1) Systems over ~~((750))~~ 600 volts, nominal. (a) through (d) of this subsection contain general requirements for all circuits and equipment operated at over ~~((750))~~ 600 volts.

(a) Wiring methods for fixed installations.

(i) Above ground. Above-ground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in cable trays, in cablebus, in other suitable raceways, or as open runs of metal-clad cable designed for the use and purpose. However, open runs of nonmetallic-sheathed cable or of bare conductors or busbars may be installed in locations which are accessible only to qualified persons. Metallic shielding components, such as tapes, wires, or braids for conductors, shall be grounded. Open runs of insulated wires and cables having a bare lead sheath or a braided outer covering shall be supported in a manner designed to prevent physical damage to the braid or sheath.

(ii) Installations emerging from the ground. Conductors emerging from the ground shall be enclosed in raceways. Raceways installed on poles shall be of rigid metal conduit, intermediate metal conduit, PVC schedule 80 or equivalent extending from the ground line up to a point 8 feet (2.44 m) above finished grade. Conductors entering a building shall be protected by an enclosure from the ground line to the point of entrance. Metallic enclosures shall be grounded.

(b) Interrupting and isolating devices.

(i) Circuit breakers. Circuit breakers located indoors shall consist of metal-enclosed or fire-resistant, cell-mounted units. In locations accessible only to qualified personnel, open mounting of circuit breakers is permitted. A means of indicating the open and closed position of circuit breakers shall be provided.

(ii) Fused cutouts. Fused cutouts installed in buildings or transformer vaults shall be of a type identified for the purpose. They shall be readily accessible for fuse replacement.

(iii) Equipment isolating means. A means shall be provided to completely isolate equipment for inspection and repairs. Isolating means which are not designed to interrupt the load current of the circuit shall be either interlocked with

a circuit interrupter or provided with a sign warning against opening them under load.

(c) Mobile and portable equipment.

(i) Power cable connections to mobile machines. A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the ground wire(s) terminal to ground effectively the machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall have provision for locking so only authorized qualified persons may open it and shall be marked with a sign warning of the presence of energized parts.

(ii) Guarding live parts. All energized switching and control parts shall be enclosed in effectively grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset without locked doors being opened. Enclosures and metal cabinets shall be locked so that only authorized qualified persons have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving-type machines (shovels, draglines, etc.) shall be guarded.

(d) Tunnel installations.

(i) Application. The provisions of this item apply to installation and use of high-voltage power distribution and utilization equipment which is associated with tunnels and which is portable and/or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, and underground excavators.

(ii) Conductors. Conductors in tunnels shall be installed in one or more of the following:

(A) Metal conduit or other metal raceway;

(B) Type MC cable; or

(C) Other suitable multiconductor cable.

Conductors shall also be so located or guarded as to protect them from physical damage. Multiconductor portable cable may supply mobile equipment. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor may be insulated or bare.

(iii) Guarding live parts. Bare terminals of transformers, switches, motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts. Enclosures for use in tunnels shall be drip-proof, weather-proof, or submersible as required by the environmental conditions.

(iv) Disconnecting means. A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(v) Grounding and bonding. All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be grounded and bonded to all metal pipes and rails at the portal and at intervals not exceeding 1000 feet (305 m) throughout the tunnel.

(2) Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits.

(a) Classification. Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized

by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in (a)(i) through (iii) of this subsection.

(i) Class 1 circuits.

(A) A Class 1 power-limited circuit is supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(B) A Class 1 remote control circuit or a Class 1 signaling circuit has a voltage which does not exceed ((750)) 600 volts; however, the power output of the source need not be limited.

(ii) Class 2 and Class 3 circuits.

(A) Power for Class 2 and Class 3 circuits is limited either inherently (in which no overcurrent protection is required) or by a combination of a power source and overcurrent protection.

(B) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(C) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(iii) Application. The maximum circuit voltages in (a)(i) and (ii) of this subsection apply to sinusoidal AC or continuous DC power sources, and where wet contact occurrence is not likely.

(b) Marking. A Class 2 or Class 3 power supply unit shall not be used unless it is durably marked where plainly visible to indicate the class of supply and its electrical rating.

(3) Communications systems.

(a) Scope. These provisions for communication systems apply to such systems as central-station-connected and noncentral-station-connected telephone circuits, radio receiving and transmitting equipment, and outside wiring for fire and burglar alarm, and similar central station systems. These installations need not comply with the provisions of WAC 296-155-444 through 296-155-459(2), except WAC 296-155-447 (3)(a)(ii) and 296-155-456.

(b) Protective devices.

(i) Circuits exposed to power conductors. Communication circuits so located as to be exposed to accidental contact with light or power conductors operating at over 300 volts shall have each circuit so exposed provided with an approved protector.

(ii) Antenna lead-ins. Each conductor of a lead-in from an outdoor antenna shall be provided with an antenna discharge unit or other means that will drain static charges from the antenna system.

(c) Conductor location.

(i) Outside of buildings.

(A) Receiving distribution lead-in or aerial-drop cables attached to buildings and lead-in conductors to radio transmitters shall be so installed as to avoid the possibility of accidental contact with electric light or power conductors.

(B) The clearance between lead-in conductors and any lightning protection conductors shall not be less than 6 feet (1.83 m).

(ii) On poles. Where practicable, communication conductors on poles shall be located below the light or power conductors. Communications conductors shall not be attached to a crossarm that carries light or power conductors.

(iii) Inside of buildings. Indoor antennas, lead-ins, and other communication conductors attached as open conductors to the inside of buildings shall be located at least 2 inches (50.8 mm) from conductors of any light or power or Class 1 circuits unless a special and equally protective method of conductor separation is employed.

(d) Equipment location. Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located as far away from overhead conductors of electric light and power circuits of over 150 volts to ground as necessary to avoid the possibility of the antenna or structure falling into or making accidental contact with such circuits.

(e) Grounding.

(i) Lead-in conductors. If exposed to contact with electric light or power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded.

(ii) Antenna structures. Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) Equipment enclosures. Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures shall be considered grounded where connected to an attached coaxial cable with an effectively grounded metallic shield.

**AMENDATORY SECTION** (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-462 Definitions applicable to this part.** The definitions given in this section apply to the terms used in Part I. The definitions given here for "approved" and "qualified person" apply, instead of the definitions given in WAC 296-155-012, to the use of these terms in Part I.

(1) "Acceptable." An installation or equipment is acceptable to the director, and approved within the meaning of this Part I:

(a) If it is accepted, certified, listed, labeled, or otherwise determined to be safe by a qualified testing laboratory capable of determining the suitability of materials and equipment for installation and use in accordance with this standard; or

(b) With respect to an installation or equipment of a kind which no qualified testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another state agency, or by a federal, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with those provisions; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives.

(2) "Accepted." An installation is "accepted" if it has been inspected and found to be safe by a qualified testing laboratory.

(3) "Accessible." (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) "Accessible." (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) "Ampacity." The current in amperes a conductor can carry continuously under the conditions of use without exceeding its temperature rating.

(6) "Appliances." Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions.

(7) "Approved." Approved by the director of the department of labor and industries or his authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of WAC 296-155-006 shall apply.

(8) "Askarel." A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(9) "Attachment plug (plug cap) (cap)." A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(10) "Automatic." Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature, or mechanical configuration.

(11) "Bare conductor." See "conductor."

(12) "Bonding." The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(13) "Bonding jumper." A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(14) "Branch circuits." That portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(15) "Building." A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(16) "Cabinet." An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(17) "Certified." Equipment is "certified" if it:

(a) Has been tested and found by a qualified testing laboratory to meet applicable test standards or to be safe for use in a specified manner; and

(b) Is of a kind whose production is periodically inspected by a qualified testing laboratory. Certified equipment must bear a label, tag, or other record of certification.

(18) "Circuit breaker."

(a) (~~((750))~~ 600 volts nominal, or less.) A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) (Over (~~((750))~~ 600 volts, nominal.) A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(19) "Class I locations." Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which ignitable concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which ignitable concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release ignitable concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which ignitable concentrations of gases or vapors are normally prevented by positive mechanical ventilation,

and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which ignitable concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(20) "Class II locations." Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures, and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be

ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II, Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(21) "Class III locations." Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note: Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, sawdust, woodchips, and other material of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture. Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(22) "Collector ring." A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(23) "Concealed." Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. See "accessible. (As applied to wiring methods.)"

(24) "Conductor."

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(25) "Controller." A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(26) "Covered conductor." See "conductor."

(27) "Cutout." (Over ((750)) 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(28) "Cutout box." An enclosure designed for surface mounting and having swinging doors or covers secured

directly to and telescoping with the walls of the box proper. (See "cabinet.")

(29) "Damp location." See "location."

(30) "Dead front." Without live parts exposed to a person on the operating side of the equipment.

(31) "Device." A unit of an electrical system which is intended to carry but not utilize electric energy.

(32) "Disconnecting means." A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(33) "Disconnecting (or isolating) switch." (Over ((750)) 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

(34) "Dry location." See "location."

(35) "Enclosed." Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(36) "Enclosure." The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(37) "Equipment." A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(38) "Equipment grounding conductor." See "grounding conductor, equipment."

(39) "Explosion-proof apparatus." Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(40) "Exposed. (As applied to live parts.)" Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")

(41) "Exposed. (As applied to wiring methods.)" On or attached to the surface or behind panels designed to allow access. See "accessible. (As applied to wiring methods.)"

(42) "Exposed. (For the purposes of WAC 296-155-459(4), Communications systems.)" Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(43) "Externally operable." Capable of being operated without exposing the operator to contact with live parts.

(44) "Feeder." All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(45) "Festoon lighting." A string of outdoor lights suspended between two points more than 15 feet (4.57 m) apart.

(46) "Fitting." An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(47) "Fuse." (Over ((750)) 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent

through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(48) "Ground." A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(49) "Grounded." Connected to earth or to some conducting body that serves in place of the earth.

(50) "Grounded, effectively." (Over ((750)) 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(51) "Grounded conductor." A system or circuit conductor that is intentionally grounded.

(52) "Grounding conductor." A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(53) "Grounding conductor, equipment." The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(54) "Grounding electrode conductor." The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(55) "Ground-fault circuit interrupter." A device for the protection of personnel that functions to deenergize a circuit or portion thereof within an established period of time when a current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(56) "Guarded." Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

(57) "Hazard." That condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

(58) "Hoistway." Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(59) "Identified (conductors or terminals)." Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be recognized as grounded.

(60) "Identified (for the use)." Recognized as suitable for the specific purpose, function, use, environment, application, etc., where described as a requirement in this standard. Suitability of equipment for a specific purpose, environment, or application is determined by a qualified testing laboratory where such identification includes labeling or listing.

(61) "Insulated conductor." See "conductor."

(62) "Interrupter switch." (Over ((750)) 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(63) "Intrinsically safe equipment and associated wiring." Equipment and associated wiring in which any spark or thermal effect, produced either normally or in specified fault conditions, is incapable, under certain prescribed test conditions, of causing ignition of a mixture of flammable or combustible material in air in its most easily ignitable concentration.

(64) "Isolated." Not readily accessible to persons unless special means for access are used.

(65) "Isolated power system." A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(66) "J-Box (junction box)." An electrical sheet metal enclosure with openings for conduit or cable with sheet metal cover. The primary purpose is for joining conductors for splicing.

(67) "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of a qualified testing laboratory which indicates compliance with appropriate standards or performance in a specified manner.

(68) "Lighting outlet." An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(69) "Listed." Equipment or materials included in a list published by a qualified testing laboratory whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(70) "Location."

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as locations exposed to weather and unprotected.

(71) "Mobile x-ray." X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(72) "Motor control center." An assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(73) "Outlet." A point on the wiring system at which current is taken to supply utilization equipment.

(74) "Overcurrent." Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(75) "Overload." Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A



fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(76) "Panelboard." A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(77) "Portable x-ray." X-ray equipment designed to be hand-carried.

(78) "Power fuse." (Over ((750)) 600 volts, nominal.) See "fuse."

(79) "Power outlet." An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(80) "Premises wiring system." That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(81) "Qualified person." One familiar with the construction and operation of the equipment and the hazards involved.

(82) "Qualified testing laboratory." A properly equipped and staffed testing laboratory which has capabilities for and which provides the following services:

(a) Experimental testing for safety of specified items of equipment and materials referred to in this standard to determine compliance with appropriate test standards or performance in a specified manner;

(b) Inspecting the run of such items of equipment and materials at factories for product evaluation to assure compliance with the test standards;

(c) Service-value determinations through field inspections to monitor the proper use of labels on products and with authority for recall of the label in the event a hazardous product is installed;

(d) Employing a controlled procedure for identifying the listed and/or labeled equipment or materials tested; and

(e) Rendering creditable reports or findings that are objective and without bias of the tests and test methods employed.

(83) "Raceway." A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this part. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(84) "Readily accessible." Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb

over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(85) "Receptacle." A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(86) "Receptacle outlet." An outlet where one or more receptacles are installed.

(87) "Remote-control circuit." Any electric circuit that controls any other circuit through a relay or an equivalent device.

(88) "Sealable equipment." Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(89) "Separately derived system." A premises wiring system whose power is derived from generator, transformer, or converter windings and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(90) "Service." The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(91) "Service conductors." The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(92) "Service drop." The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(93) "Service-entrance conductors, overhead system." The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

(94) "Service-entrance conductors, underground system." The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(95) "Service equipment." The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(96) "Service raceway." The raceway that encloses the service-entrance conductors.

(97) "Shock hazard." To exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(98) "Signaling circuit." Any electric circuit that energizes signaling equipment.

(99) "Switchboard." A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face



or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

(100) "Switches."

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this part.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(101) "Switching devices." (Over ~~(750)~~ 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, and interrupter switches.

(102) "Transformer." A transformer is an apparatus for converting electrical power in an a-c system at one voltage or current into electrical power at some other voltage or current without the use of rotating parts.

(103) "Transportable x-ray." X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(104) "Utilization equipment." Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(105) "Utilization system." A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(106) "Ventilated." Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(107) "Volatile flammable liquid." A flammable liquid having a flash point below 38°C (100°F) or whose temperature is above its flash point, or a Class II combustible liquid having a vapor pressure not exceeding 40 psia (276 kPa) at 38°C (100°F) whose temperature is above its flash point.

(108) "Voltage." (Of a circuit.) The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(109) "Voltage, nominal." A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, ~~(750)~~ 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(110) "Voltage to ground." For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(111) "Watertight." So constructed that moisture will not enter the enclosure.

(112) "Weatherproof." So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(113) "Wet location." See "location."

**AMENDATORY SECTION** (Amending Order 76-7, filed 3/1/76)

**WAC 296-304-01001 Definitions.** (1) "Shall" indicates provisions which are mandatory.

(2) "Director" means the director of the department of labor and industries.

(3) "Employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in these standards on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(4) "Employee" means any ship repairman or other person engaged in ship repair or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(5) "Gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and bows.

(6) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(7) For purposes of WAC 296-304-05007, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of these standards, the term does not include ship shaped or deep draft barges.

(8) For purposes of WAC 296-304-05007, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of these standards, the term does not include other towing vessels.

(9) "Shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(10) "Shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(11) "Ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(12)(a) For ship repairing, "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(b) For shipbuilding, "related employment" means any employments performed as an incident to or in conjunction

with shipbuilding work, including, but not restricted to inspection, testing trials and employment as a watchman.

(c) For shipbreaking, "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.

(13) "Hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(14) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(15) "Confined space" means (~~any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include, but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels~~) a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

(16) "Enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(17) "Hot-work" means riveting, welding, burning or other fire or spark producing operations.

(18) "Cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(19) "Portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(20) "Powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

(21) For purposes of WAC 296-304-06013, the term "hazardous material" means a material which has one or more of the following characteristics: (a) Has a flash point below 140°F., closed cup, or is subject to spontaneous heating; (b) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.<sup>3</sup> for fumes, and below 25 m.p.p.c.f. in case of a dust; (c) has a single dose oral LD<sub>50</sub> below 500 mg./kg.; (d) is subject to polymerization with the release of large amounts of energy; (e) is a strong oxidizing or reducing agent; (f) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (g) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

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

#### AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

##### **WAC 296-304-02003 Precautions before entering.**

(1) Flammable atmospheres and residues.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1) and (2) of this section, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in (1) of this section.

(b) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(c) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in (~~WAC 296-304-09003 (2)(a))~~ chapter 296-62 WAC Part E, but above the threshold limit value, employees shall be protected in accordance with the requirements of (~~WAC 296-304-09003 (1), and (3), (4), or (5), which ever is applicable)~~ chapter 296-62 WAC Part E.

(2) Toxic atmospheres and residues.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1), (2) and (3) of this section, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a marine chemist, industrial hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature.

(ii) Spaces which have been fumigated.

(iii) Spaces immediately adjacent to those described in (1) and (2) of this section.

(b) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in (~~WAC 296-304-09003 (2)(a))~~ chapter 296-62 WAC Part E.

(c) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in WAC 296-304-02003 (2)(a), but above the threshold limit value, employees shall be protected in accordance with the requirements of WAC 296-304-09003 (~~((1), and (3), (4), or (5), whichever is applicable))~~).

(d) The person qualified to make the tests and inspections referred to in (1)(a) of this section shall make a record of the tests, inspections and instructions pertaining to (1)(c)

and (2)(b) and (c) of this section, which shall be available for inspection and kept on file in accordance with WAC 296-304-02001 (3)(b).

(3) Oxygen deficient atmospheres.

(a) Before employees are initially permitted to enter any of the ship's spaces designated in (1) through (3) of this section, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the tests required by (1) and (2) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(b) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(4) Exceptions. In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of WAC 296-304-09003 ~~((1) and (2))~~.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

**WAC 296-304-03001 Toxic cleaning solvents.** (1)

When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(a) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(b) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(c) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of WAC 296-304-09003 ~~((1) and (3))~~ and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(2) The principles in the threshold limit values to which attention is directed in WAC 296-304-02005 and applicable sections in chapter 296-62 WAC will be used by the department of labor and industries in enforcement proceedings in defining a safe concentration of air contaminants.

(3) When flammable solvents are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

**WAC 296-304-03005 Mechanical paint removers.**

(1) Power tools.

(a) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of WAC 296-304-09001(1).

(b) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(c) Portable electric tools shall be grounded in accordance with the requirements of WAC 296-304-08003 (1) and (2).

(d) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of WAC 296-304-09003 ~~((1) and (4))~~.

(2) Flame removal.

(a) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of WAC 296-304-09003 ~~((1))~~. Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of WAC 296-304-09003 ~~((1) and (4)(b)(iv))~~.

(b) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(3) Abrasive blasting.

(a) Equipment. Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) Hoses. Hose of a type to prevent shocks from static electricity shall be used.

(ii) Hose couplings. Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) Nozzles. Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) Dead man control. A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(b) Replacement. Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(c) Personal protective equipment.

(i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of WAC 296-304-09003 ~~((1))~~.

(ii) Abrasive blasters working in the open shall be protected as indicated in (1) except that when synthetic

abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with WAC 296-304-09003 (~~((1) and (4))~~).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of WAC 296-304-09001 (1) and (2) and 296-304-09003 (~~((1) and (4))~~).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt and life line tied off to the ship or other structure when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

**WAC 296-304-03007 Painting.** (1) Paints mixed with toxic vehicles or solvents.

(a) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (3))~~).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~).

(b) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (3))~~).

(c) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(2) Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents. Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80°F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(a) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten percent

of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(b) If the ventilation fails or if the concentration of solvent vapors rises above ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

(c) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for a least ten minutes.

(d) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) Only nonsparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is nonsparking.

(g) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(h) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(i) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be nonsparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(j) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(k) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(l) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(m) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~) and by suitable protective clothing. Employees entering such compartments for a

limited time shall be protected by filter cartridge type respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~).

(n) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (5))~~) and by suitable protective clothing.

**AMENDATORY SECTION** (Amending Order 74-25, filed 5/7/74)

**WAC 296-304-04001 Ventilation and protection in welding, cutting and heating.** (1) Mechanical ventilation requirements.

(a) For the purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(2) Welding, cutting and heating in confined spaces.

(a) Except as provided in WAC 296-304-04001 (2)(c) and (3)(b), either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(b) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with WAC 296-304-05011 (2)(a) and (b).

(c) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(3) Welding, cutting or heating of metals of toxic significance.

(a) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(b) Welding, cutting, or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with local exhaust ventilation in accordance with the requirements of (1) of this section or employees shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(c) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of WAC 296-304-09003 (~~((1) and (4)(b)(4))~~), except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of WAC 296-304-09003(~~((1))~~).

(d) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(4) Inert-gas metal-arc welding.

(a) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in WAC 206-304-04011(5) shall be protected by filter lenses meeting the requirements of WAC 296-304-09001 (1) and (3). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of WAC 296-304-09001 (1) and (3) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of (3)(b) of this

section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(5) General welding, cutting and heating.

(a) Welding, cutting and heating not involving conditions or materials described in (2), (3) or (4) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(b) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of WAC 296-304-09001 (1) and (3).

(6) Residues and cargos of metallic ores.

(a) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

**WAC 296-304-04005 Welding, cutting and heating in way of preservative coatings.** (1) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(2) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1 1/2-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(3) Protection against toxic preservative coatings.

(a) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of WAC 296-304-09003((+)).

(b) In the open air employees shall be protected by a filter type respirator in accordance with the requirements of WAC 296-304-09003 ((+)) and ((4)).

(4) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(a) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(b) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the

heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in WAC 296-304-03005 (2)(b) shall apply.

(5) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

**WAC 296-304-09003 Respiratory protection.** The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC Part E, shall apply.

**WSR 93-10-102  
PROPOSED RULES  
BOARD OF  
PILOTAGE COMMISSIONERS**  
[Filed May 5, 1993, 9:21 a.m.]

Original Notice.

Title of Rule: WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proponent, Grays Harbor Pilots Association, seeks a 22.5% increase in the tariff for the Grays Harbor pilotage district.

Reasons Supporting Proposal: The proponents assert that this tariff increase is necessary to support an appropriate net income for each pilot.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 801 Alaskan Way, Seattle, WA, 464-7818.

Name of Proponent: Grays Harbor Pilots Association, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Agency staff does not endorse the proponent's version of the tariff rule. The board may adopt a tariff different from that proposed.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to satisfy the requirement of RCW 88.16.035 (4) that the tariff be fixed annually. The board may adopt a tariff different from that proposed.

Proposal Changes the Following Existing Rules: The proposed rule would increase the tariff for pilotage services in the Grays Harbor pilotage district by 22.5%.

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

Hearing Location: Eikum Conference Room, 801 Alaskan Way, Pier 52, Seattle, WA 98104, on June 10, 1993, at 9:00 a.m.

Submit Written Comments to: Thomas F. Heinan, Chair, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487, by May 26, 1993.

Date of Intended Adoption: June 10, 1993.

May 4, 1993
Thomas F. Heinan
Chair

AMENDATORY SECTION (Amending WSR 93-03-080, filed 1/19/93, effective 2/19/93)

WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ((~~\$42.92~~) \$52.58 per meter (or ((~~\$13.06~~) \$16.00 per foot) and the tonnage charge shall be ((~~\$0.1369~~) \$0.1677 per net registered ton. The minimum net registered tonnage charge is ((~~\$478.90~~) \$586.65. The charge for an extra vessel (in case of tow) is ((~~\$273.67~~) \$335.25.

Boarding fee:

Per each boarding/deboarding from a boat . . . . . ((~~\$206.47~~) \$252.93

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage . . . . . ((~~\$343.29~~) \$420.53
Delays per hour . . . . . ((~~\$ 81.86~~) \$100.28
Cancellation charge (pilot only) . . . ((~~\$136.83~~) \$167.62
Cancellation charge (pilot boat only) ((~~\$410.49~~) \$502.85

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance . . . . . ((~~\$ 63.53~~) \$77.82
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ((~~\$478.94~~) \$586.66 for each day or fraction thereof, and the travel expense incurred . . . . . ((~~\$478.94~~) \$586.66

Bridge transit:

Charge for each bridge transited . . . ((~~\$150.28~~) \$184.09

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 93-10-103
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES
[Filed May 5, 1993, 9:50 a.m.]

Original Notice.

Title of Rule: Washington State Community and Technical College personnel standards.

Purpose: Revised the Washington State Community and Technical College personnel standards.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Chapter 28B.50 RCW.

Summary: Revises Washington State Community and Technical College personnel standards.

Name of Agency Personnel Responsible for Drafting and Implementation: Ray Harry, State Board for Community and Technical Colleges, 3-3672; and Enforcement: Ray Harry, State Board for Community and Technical Colleges, 3-3672 and Rich Montecucco, Attorney General's Office, 586-1197.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revises the faculty personnel standards for the community and technical college system.

Proposal Changes the Following Existing Rules: Changes part-time faculty certification by eliminating it; eliminates CPR as a separate requirement for all instructors; includes CPR as a general first-aid requirement.

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

Hearing Location: Edmonds Community College, Sno-King Building, Room 103, 6600 196th Avenue, Lynnwood, WA, on Thursday, June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Ray Harry, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA 98504, by June 12, 1993.

Date of Intended Adoption: June 17, 1993.

May 5, 1993
Claire C. Krueger
Executive Assistant
Rules Coordinator

AMENDATORY SECTION (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

WAC 131-16-091 Additional qualifications in areas of specialization. In addition to the general standards required by WAC 131-16-080 and chapter 490-28A WAC in the case of vocational education personnel, the district board of trustees shall establish that candidates for appointment



meet or exceed the following standards in their areas of specialization:

(1) Professional personnel performing services for which advanced degrees are normally available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and extensive professional experience in the field of their educational service.

(2) Professional personnel in vocational fields or other specialized areas for which advanced degrees are not normally available shall have sufficiently broad and comprehensive training and work experience that particularly qualifies them to provide instruction in their area of specialization.

(3) All newly hired vocational education teaching personnel must have recent work experience beyond the learning period as a fully qualified worker in the occupation that will be taught. The minimum work experience shall be equal to the recognized learning period required to gain competence in the occupation, but shall be in no case less than two calendar years of full-time work or its equivalent beyond the learning experience. The number of hours worked shall be equivalent to the hours worked by full-time workers in the occupation to be taught.

(a) Minimum work experience for apprenticeable occupations will be equal to the learning period then currently registered with the state department of labor and industry.

(b) Minimum work experience in occupations requiring state or local licensing, certification, or registry will be two calendar years subsequent to receipt of license, unless the occupation is also an apprenticeable trade. Current licenses, registrations, and/or certifications shall be maintained as a requirement for teaching courses in the respective occupation.

(c) Minimum work experience for all other trades and occupations will be two calendar years of full-time employment or the equivalent, subsequent to the required learning period, which shall be the number of hours worked by full-time workers during a two-year period in the occupation.

(d) Recent work experience shall be defined as employment full-time for six months or the equivalent, within the two years immediately preceding initial vocational certification, which shall be one-fourth of the hours required by (c) of this subsection.

(e) One year full-time employment shall mean that which is the standard for the occupation.

(4) All other vocational education teaching personnel including instructors of vocationally related courses, teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above may be employed either on a full-time or part-time basis: *Provided*, That such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned: *And provided further*, That such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately certified professional. Each college district shall maintain job descriptions for each position in this category.

(5) Vocational counselors shall meet the minimum work experience requirement by verifying work experience in one or more occupations other than professional education, which

is cumulative to at least two years of full-time employment. Vocational counselors shall be certified only if they have had preparation in vocational counseling, testing, and occupational information.

(6) General administrative personnel shall have advanced training or experience relevant to their assigned duties. The chief administrator shall hold an earned doctorate from an accredited university or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities.

(7) The vocational administrator and all other subordinate vocational education administrative personnel must have been employed as a full-time vocational education instructor, occupational information specialist, or vocational counselor for at least three academic years or have equivalent experience in industry or other public agencies and they must have had at least two calendar years of accumulated experience in the capacity of a supervisor in education, business, industry, a public agency, or an equivalent volunteer community service. In addition, such individuals must have demonstrated to the employing agency a commitment to and understanding of vocational education. Industry and public agency experience will be evaluated at no more than a one-to-one basis. The vocational administrator's personnel file must have verification that these standards have been met.

(8) A current first aid certificate, including CPR, is required for those vocational instructors and counselors prior to the second quarter of employment in vocational programs where the instructional environment brings students into physical proximity with machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding, ladders, and other hazards.

~~(9) ((A current CPR certificate is required for all vocational instructors and counselors.~~

~~(10))~~ Responsibility for ensuring that appropriate staff have first aid training will rest with the assigned vocational administrator as defined in subsection (7) of this section.

~~((11))~~ (10) The specific type of first aid program, including CPR, required of vocational instructors and counselors shall be achieved by passing a course of first aid instruction and participation in practical application of the following subject matter;

Bleeding control and bandaging.

Practical method of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by coworkers of first aid students enrolled in the course.

~~((12))~~ (11) Specifically excluded from conformance to the first aid requirement are:



(a) Those instructors who teach related subjects to vocational students, i.e., Mathematics, English, or communications skills, etc., when these subjects are taught in classrooms rather than shops or laboratories.

(b) Physicians, registered nurses, licensed practical nurses, and others when their occupational competencies and training include first aid knowledge and skills equal to or superior to that represented by the first aid certification being required under these regulations.

**AMENDATORY SECTION** (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

**WAC 131-16-092 Maintaining and improving occupational and teaching competencies for vocational administrators, instructors and counselors.** It shall be the responsibility of the president of each institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify through the assigned vocational administrator each full-time instructor and vocational counselor and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted vocationally certified instructor or counselor shall have an individual improvement plan which covers the time interval of the current certification developed in consultation with and approved by the vocational administrator or designee. The vocational administrator shall maintain a file of all such plans, which shall be reviewed annually.

(3) Part-time vocational teaching and counseling personnel must be ~~((certified))~~ certifiable and have a verification of work experience related to instructional assignment record on file in the individual's personnel folder. This record must be on file for each part-time instructor/counselor during each quarter of teaching employment. Part-time instructors must have teaching competencies reviewed every five years. "Teaching competencies" refers to (a) currency in the occupation and (b) teaching skills. Part-time vocational counselors must have records in their file indicating compliance with WAC 131-16-091(5). ~~((Part-time teaching personnel not qualifying for five-year certificates must be awarded a temporary certificate effective for a maximum of three years. At the conclusion of the initial three years, the individual must complete thirty clock hours or three credits of elements of instruction or equivalent before an additional three-year temporary certificate may be granted. During each subsequent three-year period, at least thirty clock hours or three credits of teacher training must be completed before the award of a renewed temporary certificate.))~~

(4) Full-time professional personnel may not be employed on the basis of a temporary certificate for a period of more than one year.

(5) Certification under the above standards is a condition of continued employment for all vocational education personnel.

(6) Safety and occupational health practice standards are met by satisfying OSHA and WISHA requirements.

**AMENDATORY SECTION** (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

**WAC 131-16-093 Types of vocational education certificates.** In issuing certificates for vocational education personnel, the college district shall utilize the following nomenclature and shall meet the standards set forth below as a minimum:

(1) Temporary certificate.

(a) Full-time vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete an orientation to begin no later than the first day of employment. An orientation outline must be on file at each campus. A temporary certificate is not renewable for full-time instructors and counselors.

(b) Full-time vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 131-16-091(5).

(2) One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year certificate may be renewed once.

(b) Counselors may be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate and who, in addition, have completed a minimum of three credits or thirty clock hours in course(s) in accordance with the individual's professional improvement plan. A one-year certificate may be renewed no more than once.

(3) Three-year certificate. May be used as a temporary with part-time instructors. (Optional with the local district for full-time instructors.)

(4) Five-year certificate (initial).

(a) Instructional personnel, occupational information specialists, and vocational counselors who have met the requirements of WAC 131-16-070 through 131-16-092 and who have earned a master's degree or doctorate in their professional career field or in the field of education from a recognized college or university accredited by a group recognized by the Council on Postsecondary Accreditation (COPA), and who have completed the minimum requirements for a temporary certificate, may be issued a five-year certificate.

(b) Instructional personnel and vocational counselors who have not earned a master's degree or doctorate in their professional career field or in the field of education from an accredited college or university shall be issued a five-year certificate upon completion of at least two years of teaching service, who have, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits or thirty clock hours in courses dealing with the techniques of occupational analysis, or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent, and who have completed a minimum of three additional

professional improvement units in accordance with the individual's professional improvement plan.

(c) Vocational counseling personnel who do not have a master's degree shall be issued a five-year certificate upon:

(i) Completion of at least two years of counseling service, (ii) in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits or thirty clock hours in courses dealing with advanced or graduate level counseling theories and/or techniques, or equivalent, and (iii) completion of a minimum of six additional professional improvement units in accordance with the individual's professional improvement plan.

(5) Five-year certificate (renewal). A five-year renewable certificate shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan, documenting currency in teaching skills. Professional improvement plans shall, if deemed appropriate, include work experience as defined in WAC 131-16-094(1), and no more than ten professional units in any one category as defined in WAC 131-16-094 shall apply.

(6) The assigned vocational administrator shall be responsible for the designation of approved course equivalents.

**WSR 93-10-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 613—Filed May 5, 1993, 11:33 a.m.]

Original Notice.

Title of Rule: Forest protection zones—King County. Identifies lands outside the forest protection zone.

Purpose: Removes forest land from DNR protection, assigns responsibility for protection to fire districts. Removes protection assessment from lands transferred to fire district protection.

Statutory Authority for Adoption: RCW 76.04.165.

Reasons Supporting Proposal: Fire districts mutually agree to protect the forest lands in the areas identified. This will result in more efficient fire protection for the residents in these areas.

Name of Agency Personnel Responsible for Drafting: Bob Bannon, Olympia, Washington, 902-1300; Implementation and Enforcement: Region Manager, Enumclaw, Washington, 825-1631.

Name of Proponent: [Department of Natural Resources], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to identify the King County forest protection zone. This rule identifies lands outside the zone, mutually agreed with the fire protection districts. This rule will transfer protection responsibility for the lands outside the zone to the fire districts. The rule will remove any further assessments on these lands under RCW 76.04.610 or 76.04.630. The fire districts have contracted

the protection responsibility for much of these lands. It has been shown that the fire district is best suited to assume the responsibility for providing protection to these lands.

Proposal does not change existing rules.

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

Hearing Location: King County Fire District #43, 22225 S.E. 231st Street, Maple Valley, WA 98038, on June 10, 1993, at 7:30 p.m.

Submit Written Comments to: Bob Bannon, P.O. Box 47037, Olympia, WA 98504-7037, by June 10, 1993.

Date of Intended Adoption: June 11, 1993.

May 4, 1993

Kaleen Cottingham  
Supervisor

NEW SECTION

**WAC 332-24-730 Forest protection zone—King County** (1) It is determined that some forest lands within King County are best protected by fire protection districts. Therefore, the forest lands, situated within the following fire protection districts, are removed from the Department's forest protection zone and become the protection responsibility of the district:

(a) Fire Protection District 10. All forest lands, except King County, State and federal owned forest lands, within the legal description as follows: Township 23 North, Range 5 East, W.M., the N 1/2 NW 1/4 and the SE 1/4 NW 1/4 of Section 1, the NW 1/4 and the S 1/2 of Sections 2, 3, 10, 11, 12, 13; Township 24 North, Range 5 East, W.M., Sections 13, 14, 23, 24, 25, 26, 27, 34, the NW 1/4 NW 1/4 and the SW 1/4 SW 1/4 of Section 35; Township 23 North, Range 6 East, W.M., E 3/4 of Sections 3, 6, 7, 8, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 36; Township 24 North, Range 6 East, W.M., the S 1/2 NW 1/4 and the N 1/2 SW 1/4 of Section 1, the S 1/2 and the S 1/2 NW 1/4 of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 north of Interstate 90, Section 27 north of Interstate 90, 28, the SE 1/4 and the S 1/2 SW 1/4 and the NE 1/4 SW 1/4 of Section 29, the N 1/2 NE 1/4 and the NE 1/4 NW 1/4 of Section 30, the N 1/4 E 1/2 of Sections 32, 33, 34; Township 25 North, Range 6 East W.M., Sections 26, 27, 28, 32, 33, 34, the N 1/2 NW 1/4 and the SW 1/4 NW 1/4 of Section 35; Township 26 North, Range 6 East, W.M., Sections 25, 26, 35, 36; Township 23 North, Range 7 East, W.M., Sections 3, 4, 10; Township 24 North, Range 7 East, W.M., Sections 18, 19, the S 1/2 of Sections 29, 30, 32, the W 3/4 of Section 33; Township 25 North, Range 6 East, W.M., Sections 1, 12; Township 25 North, Range 7 East, W.M., that portion of the SW 1/4 west of the Tolt River of Section 1, the W 1/2 SW 1/4 of Sections 3, 4, 5, 6, 7, 8, 9, the W 3/4 and the E 1/2 SE 1/4 of Section 10, the SE 1/4 SW 1/4 and that portion of the E 1/2 west of the Tolt River of Section 11, that portion of the NW 1/4 west of the Tolt River of Section 12, the N 3/4 W 1/2 E 1/2 and the E 1/2 W 1/2 and the SW 1/4 SW 1/4 of Section 14, the W 1/2 and the S 1/2 SE 1/4 of Sections 15, 16, 17, 20, 21, 22, the W 1/4 of Section 23, the SE 1/4 and the NW 1/4 and the NE 1/4 SW 1/4 of Section 26, the N 1/4 and the W 1/4 of Sections 27, 28, 29, 30, 32, 33, that portion west of Griffin Creek of Section 34; Town-

ship 26 North, Range 7 East, W.M., the SW 1/4 and the S 1/2 SE 1/4 of Sections 26, 27, 31, 32, 33, the W 1/4 and the N 3/4 E 1/2 W 1/2 of Section 34, the N 1/2 and the E 3/4 N 1/2 S 1/2 of Sections 35, 36.

(b) Fire Protection District 27. All forest lands except State and federal owned forest lands, within the legal description as follows: Township 24 North, Range 6 East, W.M., Section 12; Township 24 North, Range 7 East, W.M., Sections 3, 4, the E 1/4 and the N 1/2 NW 1/4 of Section 5, the N 3/4 E 1/2 W 1/2 and the W 1/2 E 1/2 and the NE 1/4 NE 1/4 and the SE 1/4 SE 1/4 of Section 6, the N 1/2 of Sections 7, 8, 9, 10, 11, 13, 14, 15, the NE 1/4 and the N 1/2 SE 1/4 and the NW 1/4 of Section 16, the E 1/2 NE 1/4 of Sections 17, 18, 19, the NE 1/4 of 22, the N 1/2 of Section 23, the N 1/2 and the N 1/2 SE 1/4 of Section 24; Township 25 North, Range 7 East, W.M., Section 30, the E 3/4 and the N 3/4 W 1/4 of Section 31, the SW 1/4 and the E 1/2 SE 1/4 of Sections 32, 33, 34; Township 24 North, Range 8 East, W.M., the W 1/2 NW 1/4 of Section 19.

(c) Fire Protection District 38. All forest lands, except State and federal owned forest lands, within the legal description as follows: Township 23 North, Range 7 East, W.M., Section 1; Township 24 North, Range 7 East, W.M., Section 36; Township 23 North, Range 8 East, W.M., Sections 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 35; Township 24 North, Range 8 East, W.M., Sections 17, 18, 19, 20, 21, south 3/4 of Section 26, that portion of the SE 1/4 of Section 27 as bounded by 428th Avenue SE on the west and north and section line on the east and south, the N 1/2 and the SW 1/4 of Sections 28, 29, 30, 31, 32, 33, the E 1/2 and the S 3/4 of the W 1/2 of Sections 34, 35; Township 23 North, Range 9 East, W.M., Sections 7, 17, 18, 19, 30.

(d) Fire Protection District 43. All forest lands, except State and federal owned forest lands, within the legal description as follows: Township 22 North, Range 5 East, W.M., Section 12; Township 23 North, Range 5 East, W.M., Section 24; Township 22 North, Range 6 East, W.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, that portion of the SE 1/4 of Section 25 as bounded by 268th Avenue SE on the west, SE 264th Street on the north and section line on the east and south, Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, that portion of the NE 1/4 of Section 36 as bounded by 268th Avenue SE on the west, SE Ravensdale Way on the south, Landsburg Road SE on the west and section line on the north; Township 23 North, Range 6 East, W.M., Sections 19, 29, 30, 31, 32, 33, 34, 35, 36; Township 22 North Range 7 East, W.M., Sections 5, 6, 7, 8, 18, 19, 32.

(2) Forest lands removed from the protection zone will not be assessed under RCW 76.04.610 or 76.04.630.

(3) The exchange of fire protection responsibility will be effective January 1, 1994.

**WSR 93-10-108**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed May 5, 1993, 11:35 a.m.]

Please withdraw WAC 332-24-730, Department Order 610, submitted to your office on February 3, 1993. During the meeting process, the rule will be significantly changed.

Kaleen Cottingham  
 Department Supervisor



**WSR 93-10-005**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 238—Filed April 21, 1993, 4:32 p.m., effective July 1, 1993]

Date of Adoption: April 16, 1993.

Purpose: WAC 230-08-090, to simplify record-keeping requirements and cut printing costs; WAC 230-30-106, to decrease possibility of manipulation of punchboard and pull tab prizes; and WAC 230-30-300, ensure that distributors and licensees are treated fairly by manufacturers.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-090, 230-30-106, and 230-30-300. Statutory Authority for Adoption: RCW 9.46.070(8), 9.46.0325, and 9.46.070.

Pursuant to notice filed as WSR 93-06-036 on February 24, 1993.

Effective Date of Rule: July 1, 1993.

April 21, 1993  
 Sharon M. Tolton  
 Rules Coordinator

AMENDATORY SECTION (Amending Order 138, filed 11/15/83)

**WAC 230-08-090 Daily records—Card games.** In addition to any other requirements set forth in these rules, persons licensed to operate card rooms shall be required to prepare a detailed record covering each occasion. This record shall be maintained continuously during hours of operation and updated immediately following the collection of fees during all time periods. The commission shall provide to the licensee a consecutively prenumbered standard format record sheet (~~in three parts~~). This form shall contain the following:

- (1) The date of the occasion;
- (2) The time that the half hour fee was charged;
- (3) The amount of half hour fee charged per table;
- (4) The number of players at each table at half hour intervals to include all nonpaying house players;
- (5) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensee);
- (6) The amount of fees collected at each table each half hour;
- (7) The cumulative gross amount received from fees collected on each occasion and in total;
- (8) A reconciliation of chips and cash on a daily basis; and
- (9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.

All detailed record sheets issued to a licensee shall be numerically accounted for, and (~~the original of each three part record~~) shall be maintained on the premises for a period of not less than three years from the date of the occasion which it records. An "occasion" for card rooms shall be defined as 20 hours beginning at 6:00 a.m. one day and running continuously through 2:00 a.m. the following day.

AMENDATORY SECTION (Amending Order 192, filed 5/16/89)

**WAC 230-30-106 Standards for flares, made by manufacturers, distributors, operators.** (1) Except as set forth in paragraph (2) below, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only, winning numbers or symbols shall not be altered by any operator or distributor, and shall:

(a) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(c) Set out the winning numbers or symbols for prizes of five dollars or more in cash, or merchandise worth five dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid (~~therefore~~) by the licensed operator plus 50 percent of that actual cost.

(2) Substitute flares

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) below are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) below are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with the requirements of (1)(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Provided flares and games which offer merchandise, or combination merchandise/cash prizes, in excess of \$100.00 actual costs, must utilize numbers, not symbols to denote winners. Prizes must be assigned to the winning numbers consecutively starting with the highest value prize being assigned the lowest available winning number; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(~~(8)~~) (9) are exempt from this section.

AMENDATORY SECTION (Amending Order 175, filed 3/15/88)

**WAC 230-30-300 Recall of defective punchboards, pull tabs or pull tab dispensing devices.** (1) Upon a determination that punchboards, pull tabs or pull tab dispensing devices for sale in Washington do not meet commission standards, the director may order all defective products and

all similarly constructed or printed products be recalled by the manufacturer(s).

(2) If the director orders such a recall, the manufacturer of the product shall be immediately notified regarding the items to be recalled, reason for the recall, effective date of the recall, and any other specific requirements. The verbal notification shall be followed with a written notification. Immediately upon the oral notification, manufacturers shall cease sale in the state and initiate actions to ensure complete compliance with the recall. Manufacturers will notify all distributors within 72 hours of the items recalled, effective date of recall, and arrange for the prompt return of the defective items. Distributors, when notified in writing by either manufacturer or commission of the recall, shall immediately stop sales and/or delivery of the product.

(3) The commission shall notify, in writing, each licensed distributor of gambling paraphernalia of the recall, effective dates thereof, the products involved, and of any special instructions if applicable. ~~((Within 72 hours, the distributor shall notify the Commission of the name and addresses of operators who have purchased the recalled item(s) during the last 30 days.~~

~~((4) When the distributors have provided the names of the operators,))~~ The commission shall then notify, in writing, each ~~((affected))~~ licensed operator as to the items recalled, effective date and special instructions, if applicable. Operators shall not utilize any defective punchboards, pull tabs or pull tab dispensing devices after receiving written notification from the commission.

~~((5))~~ (4) Prior to any reintroduction in the state of any recalled or similar item, the manufacturer must first submit the revised or reworked item to the commission for review, evaluation and approval. The manufacturer will be notified in writing, of the approval or disapproval and a copy of the approving letter will be sent by the manufacturer to the distributor with the next five shipments of the reworked item.

(5) Manufacturers shall reimburse distributors the actual cost paid by the distributor for each punchboard, pull tab series or pull tab dispensing device recalled by order of the director. Manufacturers of recalled punchboards, pull tab series or pull tab dispensing devices shall compensate distributors for time and expenses incurred during a recall. Such compensation shall not exceed fifty cents per punchboard or pull tab series actually returned by the distributor to the manufacturer or, twenty-five dollars per pull tab dispensing device.

**WSR 93-10-007**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)

[Order 357B—Filed April 22, 1993, 4:02 p.m.]

Date of Adoption: March 17, 1993.

Purpose: More clearly places responsibility for notification of address changes on licensee and allows charges against licensees that are returned unclaimed or that are not able to be delivered to proceed without return.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 246-863-050.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 93-04-101 on February 2, 1993.

Changes Other than Editing from Proposed to Adopted Version: Addition of "after a good faith but unsuccessful attempt to determine the actual residence of the licensee" to change about charges being acted on if charges are returned unclaimed or are unable to be delivered.

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

April 15, 1993

Donald Hobbs

Chairman

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-863-050 Licensed pharmacists change of address.** ~~((AH))~~ It is the responsibility of the licensed pharmacist to maintain a current mailing address with the board. Licensed pharmacists shall notify the state board of pharmacy of any change of mailing address within thirty days of the change. The board may rely upon the last mailing address ((of record)) for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. If after a good faith but unsuccessful attempt to determine the actual residence of a licensee, charges against the licensee are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, the board may proceed against the licensee by default under RCW 34.05.440.

**WSR 93-10-008**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Order 355—Filed April 22, 1993, 4:05 p.m.]

Date of Adoption: April 21, 1993.

Purpose: Implement legislative changes to the ocularist statute.

Statutory Authority for Adoption: RCW 18.55.095.

Pursuant to notice filed as WSR 93-03-046 on January 14, 1993.

Changes Other than Editing from Proposed to Adopted Version: Grammatical corrections and editing.

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

April 21, 1993

Bruce Miyahara

Secretary

NEW SECTION

**WAC 246-849-200 Apprenticeship training—Definitions.** (1) For the purpose of administering and recording apprenticeship training and out-of-state work experience, the maximum number of hours that can be accumulated in one year shall be two thousand.

(2) "Direct supervision" means that the supervising ocularist inspect all of the apprentice's work and be physically present on the premises where the apprentice is working at all times.

PERMANENT

NEW SECTION

**WAC 246-849-210 Registration of apprentices.** (1)

An applicant for apprenticeship may request registration as an apprentice by submitting to the department:

- (a) An application on a form provided by the secretary;
- (b) A registration fee as specified in WAC 246-849-990.

(2) Training received from more than one supervisor shall require separate applications.

(3) Only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered towards the required ten thousand hours necessary to sit for the examination.

(4) A registered apprentice shall notify the department in writing whenever the apprenticeship training is terminated, unless such termination is concluded by reason of the apprentice becoming licensed as an ocularist in this state.

(5) A registered apprentice shall notify the secretary in writing within thirty days of any name or address change.

(6) In order to facilitate comments on the apprentice's performance, the apprentice registration card along with the name, business address, and business telephone number of the apprentice's supervisor shall be posted in public view on the premises where the apprentice works.

(7) An apprentice registration shall be valid for one year from the date of registration. Each registration shall be renewed annually.

NEW SECTION

**WAC 246-849-220 Application for examination.** (1)

An individual shall make application for examination, in accordance with RCW 18.55.040, on an application form prepared by and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his or her scheduled examination, and so notifies the department in writing at least seven days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. A written request received less than seven days before the test shall be reviewed by the department to determine if the test may be rescheduled or the fee forfeited.

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

NEW SECTION

**WAC 246-849-230 Temporary practice permits—**

**Scope and purpose.** The temporary practice permit is established to enable safe, qualified, and trained ocularists who are currently licensed in another state as defined in WAC 246-849-250 to work in the state of Washington prior to completing the licensing examination in this state. All licensing requirements established for the purpose of obtaining an ocularist license will need to be completed as part of the application for a temporary practice permit.

NEW SECTION

**WAC 246-849-240 Definitions.** For the purpose of issuing temporary practice permits the following definitions shall apply:

(1) "Licensed in another state" shall mean the applicant holds a current valid license to practice as an ocularist in another state and is in good standing;

(2) "Substantially equivalent" shall mean the applicant has successfully completed an examination administered by or authorized by a state other than Washington state. The examination shall cover the same subject matters as the Washington state approved examination. The law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.55.075.

NEW SECTION

**WAC 246-849-250 Issuance and duration of temporary practice permits.** (1) The department shall issue a temporary practice permit unless there is a basis for denial of the license or issuance of a conditional license. In addition to general application requirements, a person applying for a temporary practice permit shall submit to the department as a condition of temporary permit issuance:

(a) A completed application requesting a temporary practice permit on a form provided by the department;

(b) Temporary practice permit fee, as specified in WAC 246-849-990;

(c) Request all states in which the applicant is or has been licensed to send written licensure verification directly to the licensing office. The verification must be completed by the state and must verify that the applicant has not had any disciplinary action taken against himself/herself and that the applicant is in good standing and not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) An affidavit on forms provided by the department, attesting that the temporary permit applicant has read, understands, and shall abide by the Washington state laws regarding the practice of an ocularist.

(2) The temporary permit shall be issued only once to any applicant. The temporary practice permit is nonrenewable and shall expire upon any one of the following conditions whichever comes first:

(a) The release of the results of the next scheduled examination for which the applicant would be eligible;

(b) Issuance of a license by the department; or

(c) Six months.

**NEW SECTION**

**WAC 246-849-260 Active retired license.** (1) A person holding a current Washington state ocellularist license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:

- (a) Resides in another state and practices no more than sixty days each year in Washington state;
- (b) Resides in this state but practices no more than sixty days each year;
- (c) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purposes of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.

(2) An individual requesting a retired active license status shall submit a letter notifying the department of his or her intent to practice only on an intermittent or emergency basis. Active retired licenses will not be retroactively issued for prior years.

(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.55.050 and WAC 246-849-980. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal, the dates and circumstances under which the licensee practiced during the previous year.

(4) To reinstate the license to an active license status the licensee shall notify the department in writing five days in advance of the change and pay a reinstatement fee as specified in WAC 246-849-990.

(5) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.

**NEW SECTION**

**WAC 246-849-270 Service disclosure.** The ocellularist shall provide a written explanation of services to customers or patients. This explanation shall include at a minimum the type of prosthesis or service they are receiving or purchasing. This explanation shall be signed by the customer or patient and maintained in the customer or patient records for a minimum of three years. This documentation shall be available and furnished to the department upon request.

**WSR 93-10-011  
PERMANENT RULES  
WILDLIFE COMMISSION**

[Filed April 23, 1993, 8:21 a.m., effective April 30, 1993]

Date of Adoption: April 16, 1993.

Purpose: To classify bridgelip suckers, largescale suckers, longnose suckers, mountain suckers, and peamouth chub as game fish.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-019.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-020 on February 22, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The

amended regulation must become effective April 30, 1993, because these fish species readily recruit to fishing gear used lawfully by recreational anglers in the Northern Squawfish sport-reward fishery scheduled to begin May 3, 1993.

Effective Date of Rule: April 30, 1993.

April 21, 1993

Curt Smitch

Director

for Dean A. Lydig

Chair

**AMENDATORY SECTION** (Amending Order 576, filed 10/21/92)

**WAC 232-12-019 Classification of game fish.** As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout
<i>Catostomus columbianus</i>	Bridgelip Sucker
<i>Catostomus macrocheilus</i>	Largescale Sucker
<i>Catostomus catostomus</i>	Longnose Sucker
<i>Catostomus platyrhynchus</i>	Mountain Sucker
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Esox lucius</i>	Northern Pike
and hybrids involving genus <i>Esox</i>	Tiger Muskellunge
<i>Meilocheilus caurinus</i>	Peamouth Chub
<i>Pylodictus olivaris</i>	Flathead Catfish

**WSR 93-10-012**

**PERMANENT RULES**

**WILDLIFE COMMISSION**

[Filed April 23, 1993, 8:24 a.m., effective April 30, 1993]

Date of Adoption: April 16, 1993.

Purpose: To classify northern squawfish as a game fish.

Citation of Existing Rules Affected by this Order:

Amending WAC 232-12-019.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-019 on February 22, 1993.

Changes Other than Editing from Proposed to Adopted Version: The northern squawfish sport-reward fishery is scheduled to begin May 3, 1993, an effective date of this amendment after the start of the fishery would create public confusion and enforcement problems.

Effective Date of Rule: April 30, 1993.

April 21, 1993

Curt Smitch

Director

for Dean A. Lydig

Chair

**AMENDATORY SECTION** (Amending Order 576, filed 10/21/92)

**WAC 232-12-019 Classification of game fish.** As provided in RCW 77.12.020 and in addition to those species



identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout
<i>Esox lucius</i> and hybrids involving genus <i>Esox</i>	Northern Pike Tiger Muskellunge
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Pylodictus olivaris</i>	Flathead Catfish
<i>Ptychocheilus oregonensis</i>	<u>Northern Squawfish</u>

Northern squawfish lawfully taken may be offered for sale, sold, purchased or traded.

(b) Each angler, in person must exchange their eligible Northern squawfish for a voucher between the hours 9:00 a.m. and 9:00 p.m. at the same registration station where the angler registered during the same fishing day;

(c) To be eligible for a voucher, each Northern squawfish must be eleven (11) inches or longer in total length and presented in fresh condition or alive;

(d) Anglers shall provide information regarding their catch as requested by Department personnel at the registration site and mail-in survey forms;

(e) Anglers shall obtain a Washington State game fishing license to fish for Northern squawfish and must use a single rod, reel, and line with up to three hooks with no more than three points each.

**WSR 93-10-013  
PERMANENT RULES  
WILDLIFE COMMISSION**

[Filed April 23, 1993, 8:25 a.m., effective April 30, 1993]

Date of Adoption: April 16, 1993.

Purpose: To insure the rules and regulations of the northern squawfish sport-reward fishery are clear, concise and enforceable.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-166.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-018 on February 22, 1993.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This regulation needs to become effective April 30, 1993. The northern squawfish sport-reward fishery is scheduled to begin May 3, 1993. An effective date after the start of the fishery would create public confusion and enforcement problems.

Effective Date of Rule: April 30, 1993.

April 21, 1994 [1993]  
Curt Smitch  
Director  
for Dean A. Lydig  
Chair

NEW SECTION

**WAC 232-12-166 Northern squawfish sport-reward fishery Columbia and Snake rivers.** During times and at sites specified by the Washington Department of Wildlife, a bounty in an amount specified by the Department shall be paid for each Northern squawfish (*Ptychocheilus oregonensis*) taken by legal angling methods from the mouth of the Columbia River to the boat restricted zone below the Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam, and from the backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake Rivers. In addition, the following requirements shall be met to qualify for payment:

(a) Each angler must register in person, prior to fishing, at one of the registration stations each fishing day. A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day;

**WSR 93-10-016  
PERMANENT RULES  
NORTHWEST AIR  
POLLUTION AUTHORITY**

[Filed April 27, 1993, 2:10 p.m.]

Date of Adoption: April 14, 1993.

Purpose: To bring the Northwest Air Pollution Authority regulation up to date by amending, adding, and deleting to reflect changes in the Washington Clean Air Act, new Washington Administrative Codes, federal new source performance standards, and removing provisions that do not promote effective air pollution control.

Citation of Existing Rules Affected by this Order: Amending Section 133 Civil Penalty; Section 300 Notice of Construction When Required; Section 301 Information Required for Notice of Construction and Application for Approval, Public Notice, Public Hearing; Section 302 Issuance of Approval or Order; Section 322 Exemptions from Registration; Section 323 Classes of Registration; Section 324 Fees; Section 366 Instrument Calibration; Section 550 Preventing Particulate Matter from Becoming Airborne; and Section 580.6 Gasoline Stations; repealing Section 104 Adoption of State Law; Section 132 Criminal Penalty; Section 311 Conditional Approval to Operate; Section 401 Suspended Particulate Standards; and Section 501 Outdoor Fires - General; and adding Section 104 Adoption of State and Federal Laws; Section 132 Criminal Penalty; Section 401 Suspended Particulate Standards (PM-10); Section 480 Solid Fuel Burning Device Standards; and Section 501 Outdoor Burning.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-04-009 on January 22, 1993.

Changes Other than Editing from Proposed to Adopted Version: Section 104.2, this section includes additional subparts to the new Source Performance Standards and National Emission Standards for Hazardous Air Pollutants that were previously omitted; Section 300.1, this section previously referred to Section 333 now refers to Section 322; Section 302.27, this section was deleted from the proposed text; Section 302.28 now becomes 302.27; and Section 550.5, the section and all subsections have been deleted from the proposed text.

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

PERMANENT

April 22, 1993  
Terry L. Nyman  
Air Pollution Control Officer

REPEALER

NWAPA REGULATION SECTION 104 - ADOPTION OF STATE LAW

NEW SECTION

NWAPA REGULATION SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

- 104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the Authority. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: 173-400 WAC, 173-402 WAC, 173-403 WAC, 173-410 WAC, 173-415 WAC, 173-425 WAC, 173-430 WAC, 173-433 WAC, 173-434 WAC, 173-440 WAC, 173-460 WAC, 173-470 WAC, 173-474 WAC, 173-475 WAC, 173-480 WAC, 173-481 WAC, 173-490 WAC, and 173-491 WAC.
- 104.2 All provisions of the following federal rules are hereby adopted by reference and made part of the Regulation of the Authority: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, D, Da, Db, E, Ea, F, G, H, I, J, K, Ka, Kb, L, M, N, O, P, Q, R, S, T, U, V, W, Y, Z, AA, AAa, CC, DD, EE, FF, GG, HH, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, SSS, TTT, VVV; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF.

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

REPEALER

NWAPA REGULATION SECTION 132 - CRIMINAL PENALTY

NEW SECTION

NWAPA REGULATION SECTION 132 - CRIMINAL PENALTY

- 132.1 Any person who knowingly violates any of the provisions of chapter 70.94 RCW or 70.120 RCW, or any ordinance, resolution, or regulation in force pursuant thereto, including the Regulation of the NWAPA, shall be guilty of a crime and upon

conviction thereof shall be punished by a fine of not more than ten thousand dollars (10,000), or by imprisonment in the county jail for not more than one year, or by both for each separate violation.

- 132.2 Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than one year, or both.
- 132.3 Any person who knowingly releases into the abient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, shall be guilty of a crime and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than one year, or both.
- 132.4 Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine or not more than five thousand dollars.

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

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

Amended: February 10, 1993

AMENDATORY SECTION

NWAPA REGULATION SECTION 133 - CIVIL PENALTY

- 133.1 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 RCW, chapter 70.120 RCW, any of the rules in force under such chapters, including regulation of the Northwest Air Pollution Authority may incur a civil penalty in an amount not to exceed ten thousand three hundred dollars (\$10,300) per day for each violation. Each violation shall be a separate and distinct offense, and in the 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 shall be liable for a civil penalty of not more than ten thousand three hun-

PERMANENT

dred dollars (\$10,300) for each day of continued noncompliance. ((or any of the rules and regulations of this Authority shall incur a penalty in the form of a fine in an amount not to exceed one thousand (\$1,000.00) dollars per day for each violation except that no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred (\$400.00) dollars per day.)) Each such violation shall be a separate and distinct offense, and in case of a separate and distinct violation. The maximum daily fine for violations of standards by a specific emissions unit shall be ~~((one))~~ ten thousand (((\$1,000.00)) three hundred (\$10,300) dollars.

133.2 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 penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Hearings Board. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Upon receipt of the application the Control Officer shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstance such as the presence of information or factors not considered in setting the original penalty. If the amount of such penalty is not paid to the Authority within thirty (30) days after receipt of notice imposing the same and request for a hearing has not been made, the attorney for the Authority, upon the request of the Control Officer, shall bring an action to recover such penalty in the Superior Court of Skagit County or of the County in which the violation occurred. All penalties recovered under this section by the Board shall be paid unto the treasury of the Authority and credited to its funds.

To secure the penalty incurred under this Section, the Authority shall have a lien on any vessel used or operated in violation of this act which shall be enforced as provided in RCW 60.36.050.

133.3 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 this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

In addition to other penalties provided, 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.

AMENDATORY SECTION

NWAPA REGULATION SECTION 300 - NOTICE OF CONSTRUCTION WHEN REQUIRED

300.1 No person shall construct, install, ~~((or))~~ establish, modify or alter an ((new)) air contaminant source, except those sources excluded in Section 322 of the Regulation, without first filing with the Authority a "Notice of Construction and Application for Approval," on forms prepared and furnished by the Authority, ~~((and))~~ obtaining written approval of the Board prior to the said construction, installation, modification, alteration or establishment; and paying the appropriate fees as provided in Section 324.2. ~~((provided that, for the purposes of this section, alterations shall be construed as construction or installation or establishment of a new air contaminant source. The board may grant approval or denial but only after thirty (30) days prior published public notice to give the public the opportunity to submit comments to the Control Officer during the thirty (30) day period. The applicant shall reimburse the Authority for the cost of said publication.))~~ The Authority may only grant approval of the "Notice of Construction and Application for Approval" if the requirements of Sections 301 and 302 have been met.

~~((300.11 — A "Notice of Construction and Application for Approval" may not be required if an applicant can demonstrate that the proposed construction, alteration or replacement will not result in increases in the amount of any air pollutant emitted into the atmosphere and that the project represents Best Available Control Technology provided a "Notice of Intent to Construct," including an Environmental Checklist describing the proposed construction, and resultant pollutant impacts, is first submitted to the Control Officer. The Control Officer shall then determine, based upon the information he may reasonably require, if the proposed construction is in fact a "new air contaminant source" as defined in this regulation and, therefore, must submit "Notice of Construction and Application For Approval" for the proposed construction. Permit re-~~

PERMANENT

~~view fees shall be required as specified in Section 324.2.)~~

300.2 A "Notice of Construction and Application for Approval" shall not be required to commence an alteration of equipment or control facility in the event of breakdown or if delaying the alteration may endanger life or have other serious consequences. The authority shall be notified in writing of the alteration on the first working day after the alteration is commenced and a "Notice of Construction and Application for Approval" shall be filed within fourteen (14) days after the alteration is commenced.

300.3 A separate Notice and Application shall be submitted for each unit of equipment ~~((of))~~ or control facility, unless identical units of equipment or control facility are to be installed, constructed or established in an identical manner on the same premises; provided that, said identical units may, as a group, be listed on one application but that identical units subsequently added shall require a separate Notice and Application; provided also, that, the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.

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

Amended: October 12, 1989, February 14, 1990, February 10, 1993

AMENDATORY SECTION

**NWAPA REGULATION SECTION 301 - INFORMATION REQUIRED FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL, PUBLIC NOTICE, PUBLIC HEARING**

301.1 Each Notice of Construction and Application for Approval for the construction, installation, or establishment of a new air contaminant source as described above shall be accompanied by ~~((two))~~ a set~~((s))~~ of plans which show and describe the equipment and control facility, its location, and function.

301.2 The proposed means for the prevention or control of the emissions of air contaminants and will provide all known available and reasonable methods of emission control.

301.3 Each Notice of Construction and Application for Approval shall be signed by the applicant or owner who may be required to submit evidence of his authority.

301.4 The Board or Control Officer may, within 30 days of its receipt of such notice, request such other information as deemed necessary in order to deter-

mine whether the proposed construction, installation or establishment, will be in accordance with applicable rules now or hereafter adopted by the Board or the WDOE and will provide all known, available and reasonable methods of emission control.

301.5 A completed State Environmental Policy Act Guidelines "Environmental Checklist" shall be submitted on forms provided by the Authority in accordance with Washington Administrative Code (WAC) 197.10.365 and Section 312 of this regulation, as a part of the required Notice of Construction and Application for Approval. ~~((; provided; no such checklist need be submitted if the applicant has previously submitted such a checklist to another agency with jurisdiction who has assumed "Lead Agency" responsibility under the State Environmental Policy Act for said project.))~~

301.6 The Authority shall provide public notice prior to approval or denial of a Notice of Construction if a new or modified source will result in a net significant emissions increase as defined by WAC 173-400-030(61). The public notice shall provide for a thirty day period to receive written comments. No final decision on any Notice of Construction and Application for Approval until the comment period has ended and all comments have been considered.

301.7 The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty day period required by 301.6. Any request shall indicate the interest of the entity filing if and why a hearing is warranted. The NWAPA may, in its discretion, hold a public hearing if it determines significant public interest exists.

**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

**NWAPA REGULATION SECTION 302 - ISSUANCE OF APPROVAL OR ORDER**

302.1 If on basis of plans, specifications, or other information required pursuant to Section 301, the Board determines that the proposed construction, installation or establishment will be in accord with this Regulation, applicable air pollution control regulations of the DOE, laws of the State of Washington, and will provide all known available and reasonable methods of emission control, it shall, within ~~((sixty (60)))~~ thirty (30) days ~~((;-))~~ issue 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.

~~((302.11 The determination, under subsection 302.1 of this Section, of whether a proposed construction, installation or establishment will be in accord with~~

PERMANENT

PERMANENT

~~this Regulation and applicable air pollution control regulations and laws of this State, 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.))~~

302.2 No approval will be issued unless the information supplied as required by Section 301.1 of this Regulation provides evidence to the Board or Control Officer that:

302.21 The equipment is designed and will be installed to operate without causing a violation of ~~((the))~~ applicable emission standards.

302.22 The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment.

~~((302.23 — Equipment having a stack or duct three feet or more in diameter will be provided with:))~~

302.23 The project shall employ all known, available, and reasonable air pollution control technology for all pollutants.

~~((302.231 — Sampling ports of a size, number, and location as the Authority may require; and))~~

~~((302.232 — Safe access to each port; and))~~

~~((302.233 — Such other reasonable sampling and testing facilities as the Board or Control Officer may require.))~~

~~((302.24 — Fuel burning equipment and refuse burning equipment will achieve optimum combustion of fuel or refuse material to be burned.))~~

302.24 The project shall not result in a violation of any ambient air quality standard for criteria air pollutants.

~~((302.25 — All parts of the equipment can be readily inspected, and can be cleaned or repaired.))~~

302.25 The project shall not impact any Class I area or non-attainment area.

302.26 All State Environmental Policy Act requirements have been fulfilled.

302.27 The project shall comply with all applicable federally mandated programs.

302.3 If the Board determines that all the requirements of Section 302.2 have been met an Order of Approval shall be issued along with any operating and

reporting conditions that will ensure compliance with all applicable air pollution standards.

302.4 If the Board determines that the construction, installation or establishment of a new air contaminant source will not meet the emission standards or the ambient air standards or other prohibition established by this Regulation, or will not provide all known available and reasonable means of emission control, the Board shall, within sixty (60) days of receipt of the "Notice of Construction and Application for Approval", issue an Order under Section 121 for the prevention of the construction, installation or establishment of the air contaminant source or sources, and,

302.41 The Order shall be in writing;

302.42 The Order shall set forth the objections in detail with references to the specific provisions of this Regulation and/or with other applicable rules and regulations set forth in the WAC and laws of the State of Washington and emission standards that will not be met by the proposed construction, installation or establishment;

302.43 The Order shall be signed by the Chairman of the Board.

302.5 Any order issued pursuant to this Section shall become final unless, no later than fifteen (15) days after the date the Order is served pursuant to Section 121, the owner or applicant petitions for a reconsideration of the Order with reasons for the reconsideration.

~~((302.51 — The Board shall consider the petition and shall within sixty (60) days of receipt of the information required in Section 302.2 of this Regulation, give written notice of approval or disapproval of the petition setting forth the reasons for disapproval.))~~

302.52 If the petition of the owner or applicant be disapproved the owner or applicant may petition the Hearings Board within thirty (30) days after receipt of Notice of Disapproval and proceed under the procedure as set forth in Section 122.

302.6 Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission requirement, or with any other provision of law.

302.7 Any ~~((Notice and Application))~~ Order of Approval issued under this Section shall be valid for one year. If engineering and/or construction of any facility authorized under this Section has not

commenced within one year from the date of approval the Notice and Application is revoked and considered void. ~~((Provided that))~~ ~~I((if))~~ if the applicant can show evidence that the magnitude of the construction project is such or delays have been encountered in the delivery of equipment that construction cannot proceed within the one year limit, the Board may extend, for up to one year, the time limit ~~((required))~~ set under this Section ~~((—A Notice and Application may then be refiled at any time under the provisions of this Section—)),~~ if it is determined that the project still incorporates all known, available and reasonable air pollution control technology.

### REPEALER

NWAPA REGULATION SECTION 311 - CONDITIONAL APPROVAL TO OPERATE

### AMENDATORY SECTION

NWAPA REGULATION SECTION 322 - EXEMPTIONS FROM REGISTRATION

Exclusion from registration does not absolve the owner, lessee, or his registered agent from all other requirements of the Regulation of this Authority. Exemption from registration does not apply to any control facility or device required to be installed in order to meet the emission and/or ambient standards of this Regulation.

- 322.1 Air conditioning or ventilating systems not design~~(ated)~~ed to remove air contaminants generated by or released from equipment.
- 322.2 Asphalt laying equipment.
- 322.3 Atmosphere generators used in connection with metal heat treating processes.
- 322.4 Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- 322.5 Fuel burning equipment, other than smoke house generators, which:
- 322.51 Is used solely for a private dwelling serving less than five families;
- 322.52 Has a BTU input of not more than 400,000 BTU/hour, provided that equipment burning natural gas or liquified petroleum gas (LPG) exclusively may be excluded up to 1,250,000 BTU/hour.
- 322.53 If used oil is burned the maximum heat input shall be less than 0.4 million BTU per hour (0.5 GJ/hr) provided that:
- a. The used oil burned is either generated on site or received from do-it-yourself oil changers; and
- b. The used oil burned is not contaminated with added dangerous wastes.

- 322.6 Insecticide spray equipment, non commercial.
- 322.7 Laboratory equipment used exclusively for chemical or physical analyses.
- 322.8 Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- 322.9 Portable equipment which is used within the jurisdiction of the Authority for less than thirty (30) days, except asphalt plants, rock crushers, and sand blasting operations. ~~((shall comply with the requirement of Section 300.11 "Notice of Intent to Construct".))~~
- 322.10 Sewing equipment.
- 322.11 Surface coating by use of aqueous solution or suspension.
- 322.12 Steam cleaning equipment used exclusively for that purpose.
- 322.13 Storage tanks, reservoirs, or containers:
- 322.131 Of a capacity of 6,000 gallons or less used for organic substances unless, in the opinion of the Control Officer, Section 535 may be violated.
- 322.132 Of a capacity of ~~((65,000 gallons or less in use before April 17, 1974 and))~~ 40,000 gallons or less ~~((after said date,))~~ used for liquid fuels including gasoline and lubricating oils.
- 322.133 Containing organic liquid mixtures whose True Vapor Pressure is equal to or less than 1.5 psia under actual storage conditions.
- 322.134 Containing liquids which are not vented to the atmosphere.
- 322.14 Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from one to another source.
- 322.15 Vents used exclusively for:
- 322.151 Sanitary or storm drainage systems.
- 322.152 Safety valves.
- 322.153 Storage tanks.
- ~~((322.154 Non-toxic and non-inflammable gases.))~~
- 322.16 Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- ~~((322.17 Water cooling towers, cooling ponds, and barometric condensers.))~~
- 322.18 Welding, brazing and soldering equipment unless the person operating such equipment otherwise qualifies for registration.

322.19 Restaurants and other retail food preparing establishments.

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

AMENDATORY SECTIONNWAPA REGULATION SECTION 323 - CLASSES OF REGISTRATION

323.1 All air contaminant sources registered by this Authority shall be classified in one of the following classes based upon uncontrolled emissions of air contaminants to the atmosphere.

323.11 CLASS A - All air contaminant sources with potential uncontrolled annual emissions usually in excess of 50 tons/year shall be classified as CLASS A sources. The registration of all CLASS A sources is subject to review annually.

323.12 CLASS B - All air contaminant sources with potential uncontrolled annual emissions usually between 10 and 50 tons/year shall be classified as CLASS B sources. The registration of all CLASS B sources will be subject to review at the discretion of the Control Officer.

323.13 CLASS C - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year shall be classified as CLASS C sources. The registration of all CLASS C sources will be subject to review at the discretion of the Control Officer.

323.14 SPECIAL CLASS D - All sources which in and of themselves are not air contaminant sources per se, but distribute, sell or make available for sale to the general public or other dealers within the jurisdiction of the Authority, solid, liquid, or gaseous fuel (which create emission to the atmosphere) shall be classified as CLASS D sources. ALL CLASS D sources may be required to submit an annual report of the type and quantity of fuel sold on forms provided by the Control Officer at a time selected by the Control Officer.

~~((323.15 CLASS E - All sources who have a permit issued by the Authority to burn confidential materials in accordance with Section 502.))~~

323.15 CLASS G - All gasoline stations installed or reconstructed after January 1, 1990 and all gasoline stations with a total annual gasoline throughput greater than one million three hundred twenty-five thousand liters (350,000 gallons).

323.16 SPECIAL CLASS I - All incinerators approved by the Authority under Section 510 and not classified in CLASS A or B herein shall be classified as a CLASS I source. This class also includes ~~((wig-wam))~~ wood waste burners under Section 458 and other incinerators which may come under the Regulation of this Authority. ALL CLASS I sources will be subject to review at the discretion of the Control Officer.

323.17 SPECIAL CLASS O - All air contaminant sources whether or not they would be otherwise classified under this Regulation which have an actual or potential odor problem associated with their operation may be classified as a CLASS O source. ALL CLASS O sources will be subject to review at the discretion of the Control Officer.

323.18 SPECIAL CLASS S - All air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere shall be classified as CLASS S sources. ALL CLASS S sources are subject to review at the discretion of the Control Officer.

323.2 Any registered source which is classified in CLASS A, B, or C under this Regulation may petition the Control Officer for a change in registration classification to a lower class under the following conditions:

323.21 The registrants shall show that the lower classification is more applicable to ~~((his))~~ their particular situation and that ~~((he))~~ they consistently meet the emission and ambient air standards and any other prohibitions and requirements for ~~((his))~~ their new class.

323.22 The registrants shall control ~~((his))~~ their emissions in accordance with this regulation.

323.3 Intermittent sources which vary in total emissions proportionately according to the amount of time they operate annually shall be extrapolated and their classification determined on their estimated rate of annual emissions as if they were operating on a full time basis throughout the year.

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 SECTIONNWAPA REGULATION SECTION 324 - FEES

324.1 Annual Registration Fees. Before the Control Officer may register any article, machine, equipment, facility, control facility, or other contrivance,

the use of which is likely to cause the emission of air contaminants or a variance be granted and under the jurisdiction of this Authority, an annual registration fee shall be paid to the Authority at a time and in such a manner as herein set forth and as may be determined by the Board.

324.11 Sources classified as class "A", Class "B", Class "O" and Class "I" as defined in Section 323, and holders of each Variance issued by NWAPA, shall, upon notification by the Control Officer, pay the Authority an annual registration fee on or before January 1 of each year in accordance with the following schedule except that any new source which has paid a Notice of Construction filing fee and plan, examination and inspection fee shall not be required to pay an additional registration fee during that same calendar year.

324.111 All Class "A" Registered Sources

(SIC)	Standard Industrial Classification Number Type	Annual Registration Fee
2911	Petroleum Refinery	\$6,000
2999	Petroleum Coke Calciner	3,000
3241	Cement Manufacturing	3,000
3334	Primary Production of Aluminum	3,000
2611	Pulp & Paper Mills	3,000
2819	Sulfuric Acid Manufacturing	2,750
2812	Alkalies & Chlorine Manufacturing	2,200
2430	Veneer Plywood Manufacturing	1,500
3323	Iron & Steel Foundries	4,000
3295	Olivine Rock Processing	1,500
4953	Refuse Incineration Facilities	3,000
2818	Chemical Processing Plants	2,500
9711	National Security Establishments	2,500
4911	Coal Fired Power Plants	6,000
	Cogeneration Plants	
4911	Peak Load	2,000
4911	Base Load	4,000
4923	Pipeline Compressors	1,500
—	Any Other Type Not Listed	1,500

324.112 All Class "B" Registered Sources 400

324.113 All Class "O" Registered Sources 300

324.114 All Class "I" Registered Sources with combustion rate in lbs/hour:

324.1141 50 or less lbs/hour combustion rate of pathological waste only 150

324.1142 50 to 100 pounds of any waste materials 250

324.1143 500 - 999 pounds of any waste materials. 400

324.115 All other classes of registered sources shall pay a one time registration fee at the time of registration 100

324.116 Holders of each Variance issued by the Authority under Section 350 of this Regulation 500

324.117 The annual registration fee of a facility that includes more than one air contaminant source classified as Class "A", Class "B", Class "C" or Class "I" at the same general location and under the same manager, shall pay the full fee for the primary source, as determined by the Control Officer, and fifty percent (50%) of the fee for each of the other sources subject to an annual registration fee.

~~((324.118 Beginning July 1, 1991, a supplemental registration fee of two dollars per ton (\$2/ton) shall be assessed for Fiscal Year 1992. Affected sources shall be those under the NWAPA jurisdiction and sources under a delegated agreement between the NWAPA and the Washington State Department of Ecology that emit more than 100 tons of any pollutant based on the 1989 NWAPA Emission Inventory. Payment is due on or before September 30, 1991. Affected source registration fees shall be based on emissions of volatile organic compounds, nitrogen oxides, sulfur oxides, and total suspended particulates. This supplemental registration fee requirement shall expire on June 30, 1992.))~~

324.118 All Class "G" Registered Sources \$100.00.

324.119 The Authority shall collect interim fees to cover operating permit program development costs. The fees will be assessed to all sources in the jurisdiction that emit one hundred tons or more of a regulated pollutant. A regulated pollutant is defined in Section 502(b) of the Federal Clean Air Act Amendments of

PERMANENT



1990. Fees shall be based on emissions determined in the most recent emissions inventory. The costs shall be determined by a workload analyses done by the Authority and approved by the Board. The fees shall be collected beginning fiscal year 1994.

324.2 Notice of Construction, (~~Notice of Intent to Construct~~) Variance Filing, plan examination, evaluation and/or inspection fee.

The following fees shall be paid by an applicant for processing a Notice of Construction and Application for Approval, pursuant to Section 300.1 (~~or a Notice of Intent to Construct, pursuant to Section 300.14~~), or a Variance pursuant to Section 350, before the Board will take any action approving or denying said application.

324.21 A \$50.00 filing fee and in addition, the plan examination and inspection fee set forth in Section 324.22. One filing fee and plan examination, evaluation and inspection fee shall be paid for identical units, except when a separate examination, evaluation or inspection is required for each identical unit.

324.22 ITEM—PLAN, EXAMINATION, EVALUATION, AND INSPECTION FEE

324.221 Fuel burning equipment in million BTU/HR Input Heat Capacity

Less than 5	\$100 (Installation) 25 (Fuel Change)
5 or more but less than 10	250 (Installation) 50 (Fuel Change)
10 or more but less than 20	500 (Installation) 100 (Fuel Change)
20 or more but less than 50	1000 (Installation) 200 (Fuel Change)
50 or more but less than 100	2000 (Installation) 300 (Fuel Change)
100 or more but less than 250	2500 (Installation) 400 (Fuel Change)
250 or more but less than 500	3000 (Installation) 500 (Fuel Change)
More than 500	4000 (Installation) 600 (Fuel Change)

324.222 Other in Cubic Feet Per Minute (CFM-Design) from equipment, such as, but not limited to, cyclones, bag filters, electrostatic precipitators and wet scrubber.

Less than 5,000	\$ 200
5,000 or more but less than 20,000	300
20,001 or more but less than 50,000	750
50,001 or more but less than 100,000	1,500
100,001 but less than 250,000	2,500

250,000 or more 4,000

324.223 Incinerators - Combustion rate in lbs/hour (Design)

Refuse Incinerator - lbs/hour	
Less than 100	\$ 200
100 or more but less than 200	300
200 or more but less than 500	500
500 or more but less than 1,000	750

Solid Waste Combustion - tons/hr

.5 or more but less than 2	\$2,000
2 or more but less than 4	3,000
4 or more	4,000

324.224 Storage Tanks\* - Gallons

6,000 or more but less than 40,000	200
40,000 or more but less than 100,000	400
100,000 or more but less than 500,000	750
500,000 or more	1,200

324.225 Other -

Gasoline Stations	\$ 50
Odor Source	500
Not Classified above	200

324.23 Environmental Policy Guidelines

324.231 Threshold Determination. For every environmental checklist the NWAPA reviews when it is Lead Agency, the applicant shall first pay NWAPA a fee of \$50.00 prior to undertaking the Threshold Determination by the responsible official of NWAPA.

324.232 If the Authority decides it must prepare ~~((a))~~ an Environmental Impact S((\*)tatement (EIS) in order to comply with the State Environmental Policy Act of 1971 before taking any action on a Notice of Construction, the cost of preparing, publishing, and distributing ~~((such a statement))~~ an EIS at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.

324.24 Should a public hearing or public notice be ~~((legally))~~ required or deemed necessary by the Board on any proposed action by an applicant, said applicant shall reimburse the Authority for the actual publica-

PERMANENT

PERMANENT

tion cost of any required legal notice of such public hearing.

324.25 "Bubble" and "Emission Reduction Credit"

A \$150.00 application and processing fee shall be paid for each application for a "Bubble" made pursuant to RCW 70.94.155 and WAC 173-403-060, and an "Emission Reduction Credit" (ERC) made pursuant to WAC 173-403-070.

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

NWAPA REGULATION SECTION 366 - INSTRUMENT CALIBRATION

366.1 Any person operating an ambient air or emission monitoring instrument may be required to calibrate said instrument as required by the Control Officer under the following provisions:

366.11 All monitors must be accurate within the limits and tolerances described in Table I of this subsection when compared to an Authority maintained and calibrated instrument or standard, which measures the same pollutant.

366.12 All monitoring instruments must be operated, maintained and calibrated as specified in the "Guidelines for Industrial Monitoring Equipment and Data Handling" and/or specific operating and maintenance procedures issued or approved by the Control Officer.

366.13 The Authority may, at any time, require that any monitoring instrument be compared to the Authority's instrument or other standard approved by the Control Officer.

366.14 If a monitoring instrument is not within the acceptable limits and tolerances, as described in Table I of this subsection, all data collected by the instrument between the date of calibration and the previous date of calibration may be considered invalid and a Notice of Violation may be issued. If evidence shows when and where an instrument exceeded the limits and tolerances established in Table I, the Control Officer may accept data collected prior to that date. No data will be accepted as valid until the user instrument is calibrated successfully as provided in 366.11 and 366.12 of this subsection.

~~((366.15 The failure to operate a monitoring instrument and maintain it within the stated limits and tolerances may be cause for a Notice of Violation to be issued. No data will be accepted as valid until the user instrument is calibrated successfully as provided in 366.11 and 366.12 of this subsection.))~~

366.15 An audit of a monitoring system may be conducted by the Authority, at any time, without prior notification.

366.16 All user instruments will be operated and calibrated on a scale range approved by the Control Officer. No data will be accepted from instruments on scale ranges other than those approved by the Control Officer. Provided: that, data from instruments that have automatic range change devices may be accepted if the user can demonstrate that the values obtained are within the tolerances provided in Table I. All tolerances will be based on the scale designated by the Control Officer as the primary or base scale.

TABLE I

POLLUTANT	INSTRUMENT TOLERANCE
Sulfur Dioxide	Whichever is greater (ambient) $\pm$ <del>(0.05)</del> 0.005 ppm or $\pm$ 10%
Total Suspended Particulate	Flow Rate of 1.13 - 1.70 m3/min. $\pm$ 10% (percent difference)
Continuous Emissions Monitoring Systems	
Calibration Drift Values	
Pollutant	Twice the applicable drift specified in Appendix B, 40 CFR 60
Diluent	
Opacity	$\pm$ 2% opacity
Audit Performance Criteria	
Cylinder Gas Audit	
CGA	$\pm$ 15%
Relative Accuracy Audit	
RAA	Whichever is greater $\pm$ 15% or 7.5% of Standard
Relative Accuracy Test Audit	
RATA	Whichever is greater $\leq$ 20% or 10% of Standard.

REPEALER

NWAPA REGULATION SECTION 401 - SUSPENDED PARTICULATE STANDARDS (PM-10)

NEW SECTIONNWAPA REGULATION SECTION 401 - SUSPENDED PARTICULATE STANDARDS (PM-10)

401.1 The concentration in the ambient air of particulate matter with an aerodynamic diameter of less than ten (10) microns (PM10) shall not exceed:

401.11 One hundred and fifty (150) micrograms per cubic meter of air as a 24 hour average more than once a year.

401.12 Fifty (50) micrograms per cubic meter of air as an annual arithmetic mean.

401.2 Sampling and analysis for suspended particulates shall be conducted according to the method outlined in Section 180.

AMENDATORY SECTIONNWAPA REGULATION SECTION 428 - HAZARDOUS AIR POLLUTANTS

428.1 Chlorine concentrations in the ambient air shall not exceed one (1.0) part per million on a one (1) hour time weighted average.

428.11 Chlorine concentration in the ambient air shall not exceed seven (7.0) parts per million for more than 5 minutes.

428.2 Ambient emissions standards for mercury. Emissions to the atmosphere from sources including the processing of mercury or to recover mercury, chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, shall not exceed 2300 grams of mercury per twenty-four (24) hour period.

428.21 Testing methods shall be in accordance with the US-EPA CFR, Title 40, Chapter 61, National Emission Standards for Hazardous Air Pollutants, Appendix B—Test Methods of other test methods approved by the Control Officer.

428.3 Formaldehyde concentrations in the ambient air shall not exceed five hundredths of a part per million by volume (0.05 ppm {v}).

428.4 Ambient standards for other hazardous or toxic air pollutants may be adopted by the Control Officer based upon best available information on health risk.

NEW SECTIONNWAPA REGULATION SECTION 480 - SOLID FUEL BURNING DEVICE STANDARDS

480.1 Purpose. This Section establishes emission standards, certification standards and procedures, curtailment rules, and fuel restrictions for solid fuel burning devices in order to comply with the requirements of the NAAQS for the control of fine particulate matter and to further the policy of the

authority as stated in Section 102 of this Regulation.

480.2 - DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning as defined in Chapter 173-433-030 WAC:

ADEQUATE SOURCE OF HEAT - means a permanently installed furnace or heating system, connected or disconnected from its energy source, designed to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence or commercial establishment.

ANTIQUÉ WOOD STOVE - is a stove manufactured before 1940 which has a current market value substantially greater than a common wood stove manufactured during the same time period.

CERTIFIED - means that a wood stove meets emission performance standards specified in RCW 70.94.457 when tested by an accredited independent laboratory and labeled according to procedures specified by the United States Environmental Protection Agency in the Code of Federal Regulation - Title 40 Part 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.

COAL-ONLY HEATER - means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking, which has all the following characteristics:

1. An opening for emptying ash which is located near the bottom or the side of the appliance;
2. An opening for loading coal which is located near the top or side of the appliance;
3. A system which admits air primarily up and through the fuel bed;
4. A grate or other similar device for shaking or disturbing the fuel bed;
5. Installation instructions which state that the use of wood in the stove except for coal ignition is prohibited by law; and
6. The model is listed by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

COOKSTOVE - means a wood-fired appliance designed primarily for cooking food and containing an integrally built in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate, ash pan and an ash clean-out below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.

EPA - means United States Environmental Protection Agency.

FIREPLACE - means a permanently installed masonry fireplace; or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.

**MANUFACTURER** - means any person who constructs or imports a solid fuel burning device or parts for a solid fuel burning device.

**NEW WOODSTOVE** - means a woodstove that has not been sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer, and has not been so used as to become what is commonly known as "second hand" within the ordinary meaning of that term.

**RETAILER** - means any person engaged in the sale of solid fuel burning devices directly to the public. A contractor who sells dwellings with solid fuel burning devices installed or a mail order outlet which sells solid fuel burning devices directly to the public is considered to be a solid fuel burning device retailer.

**SEASONED WOOD** - means wood of any species that contains twenty percent or less moisture by weight.

**SOLID FUEL BURNING DEVICE** - (SFB - same as solid fuel heating device) means a device that burns wood, coal, or any other non-gaseous or non-liquid fuels, and includes wood stoves, coal-only heaters, cookstoves and fireplaces, or any similar device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.

**SUBSTANTIALLY REMODELED** - means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

**TREATED WOOD** - means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, weathering or deterioration.

**WOODSTOVE** - means a wood fueled appliance other than a cookstove with a closed fire chamber which maintains an air-to-fuel ratio of less than thirty-five to one during the burning of ninety percent or more of the fuel mass consumed at the minimum burn rate achievable (less than 5 kg/hr). Any combination of parts, typically consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

**480.3 - EMISSION PERFORMANCE STANDARDS**

- 480.31 A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new wood stove in Washington unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" and its emission performance complies with WAC 173-433-100.
- 480.32 After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away any solid fuel burning device in Washington unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" and its emission performance complies with WAC 173-433-100.

dance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" and its emission performance complies with WAC 173-433-100.

- 480.33 Emission Standards for Solid Fuel Burning Devices defined as an "affected facility" in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters". Stack emissions of certified models shall not exceed:
  - 480.331 4.1 grams particulate per hour for catalytic solid fuel burning devices; and  
7.5 grams particulate per hour for non-catalytic solid fuel burning devices effective July 1, 1990 to December 31, 1994.
  - 480.332 2.5 grams particulate per hour for catalytic solid fuel burning devices; and  
4.5 grams particulate per hour for non-catalytic solid fuel burning devices; effective January 1, 1995.

Solid fuel burning devices with a 35-to-1 or greater air to fuel ratio are exempt from certification.
- 480.34 Installation of wood stoves.
  - 480.341 By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than wood stoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas designated by a county to be an urban growth area under Chapter 36.70A RCW; and (b) to areas designated by the EPA as being in non-attainment for particulate matter.
  - 480.342 After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon Department of Environmental Quality phase II or EPA certified or a pellet stove either certified or exempt from certification by the EPA in accordance with CFR 40 Part 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.
- 480.35 Installation of fireplaces.

PERMANENT

480.351 After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 EPA standards for wood stoves or equivalent standard established by the state building code council by rule in accordance with 70.94.457 RCW.

480.352 Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state.

480.36 Antique wood stoves are exempt from Section 480.3.

480.4 OPACITY STANDARDS.

480.41 Opacity level. A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period. This restriction does not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

480.42 Test methods and procedures. EPA reference method 9 - Visual Determination of Opacity of Emissions from Stationary Sources shall be used to determine compliance with this section.

480.43 Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This regulation will be enforced on a complaint basis and through observations of inspectors certified to read opacity. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device.

480.5 PROHIBITED FUEL TYPES

480.51 A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A. Garbage;
- B. Treated wood;
- C. Plastic products;
- D. Rubber products;
- E. Animals;
- F. Asphaltic products;
- G. Waste petroleum products;
- H. Paints; or
- I. Any substance, other than properly seasoned fuel wood, or coal with

sulfur content less than 1.0% by weight burned in a coal-only heater, which normally emits dense smoke or obnoxious odors.

480.6 CURTAILMENT

480.61 Any person in a residence or commercial establishment with an adequate source of heat other than the burning of solid fuel shall not burn solid fuel in any solid fuel burning device under the following circumstances:

480.611 Whenever the Authority has declared the first stage of impaired air quality for the geographical area unless the solid fuel burning device is one of the following:

- A. A pellet stove that is either certified or exempted from certification by the EPA under WAC 173-433-150; or
- B. A wood stove certified under WAC 173-433-100, RCW 70.94.457 or Title 40 Part 60 Subpart AAA of the Code of Federal Regulations; or
- C. A written exemption has been issued for the device under Section 480.8 of this Regulation.

A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are measured at an ambient level of seventy five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

480.612 Whenever Ecology or the Authority has declared the second stage of impaired air quality or Ecology has declared an air pollution episode at a level above forecast for a geographical area.

A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred

PERMANENT

PERMANENT

five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

- 480.62 Any person responsible for a solid fuel burning device already in operation at the time second stage impaired air quality or episode above the forecast stage is declared shall extinguish that device by withholding new solid fuel for the duration of the episode. Any person responsible for a solid fuel burning device that is not certified under WAC 173-433-100, RCW 70.94.457 or CFR 40 Part 60 Subpart AAA already in operation at the time the first stage of impaired air quality is declared shall extinguish that device by withholding new solid fuel for the duration of the impaired air quality.
- 480.63 Compliance with the above solid fuel burning device curtailment rules may be enforced after a time period of 3 hours has elapsed from the time of declaration of the episode or impaired air quality. Smoke visible from a chimney, flue or exhaust duct three hours from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that smoke was not caused by an applicable solid fuel burning device.
- 480.7 General Emission Standards
  - 480.71 Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any solid fuel burning device, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant emission directly impacts the property of another so as to cause detriment to the health, safety, or welfare of a person, plant or animal, or causes damage to property or business. Direct impact means that emissions from an identifiable solid fuel burning device are present in amounts which reasonably constitute a threat to the health, safety, or welfare of a person(s).
  - 480.72 Odors. Any person who shall cause or allow the generation of any odor from any solid fuel burning device which may interfere with any other property owner's use or enjoyment of his property must use recognized good practice and procedures

to reduce these odors to a reasonable minimum.

- 480.8 Exemptions
  - 480.81 An exemption status allows a resident to operate their solid fuel burning device during any stage of impaired air quality. An exemption does not exempt a resident from the opacity or burning restrictions as stated in Sections 480.3, 480.4, 480.5 and 480.7 of this Regulation. Exemption status is issued by the Authority and is allowed when a resident can demonstrate an inadequate alternate source of heat. Exemptions are only valid until the following July 1st.

REPEALER

NWAPA REGULATION SECTION 501 - OUTDOOR FIRES - GENERAL

NEW SECTION

NWAPA REGULATION SECTION 501 - OUTDOOR BURNING

501.1 PURPOSE

The purpose of this section is to minimize the air pollution impacts caused by open burning as mandated by the Washington Clean Air Act of 1991. This rule establishes controls for open burning in order to:

- 501.11 Reduce open burning to the greatest extent practical by eliminating it in PM-10 and/or carbon monoxide nonattainment areas; and urban growth areas or cities with a population of 10,000 or more by December 31, 2000;
- 501.12 For areas where open burning is allowed, established a limited burning program, including procedures by which open burning may be conducted;
- 501.13 Encourage the development and use of alternate methods for the disposal of woody debris.

501.2 APPLICABILITY

- 501.21 This section applies to all forms of outdoor burning except:
  - 501.211 Silvicultural Burning
  - 501.212 Agricultural Burning
  - 501.213 Recreational Fires - that are not used for debris disposal purposes and do not cause a nuisance to neighbors.
  - 501.214 Ceremonial Fires
  - 501.215 Burning to improve and maintain fire dependent ecosystems -

pursuant to Chapter 332.24 WAC.

501.22 No outdoor burning shall occur during a declared period of impaired air quality.

501.23 A fire protection agency, county, or conservation district may enforce its own controls that are stricter than those set forth in this section.

### 501.3 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meanings:

**AGRICULTURAL BURNING** - means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

**CEREMONIAL FIRE** - means a fire associated with an Indian ceremony or ritual.

**ECOLOGY** - means the Washington State Department of Ecology.

**EPISODE** - means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

**IMPAIRED AIR QUALITY** - means a condition declared by Ecology or the Authority in accordance with the following criteria:

- (a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:
  - (i) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of seventy-five micrograms per cubic meter measured on a twenty four hour average; or
  - (ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight hour average.
- (b) Air quality that threatens to exceed other limits established by the authority.

**LAND CLEARING BURNING** - means the burning of outdoor fires over ten (10) feet in diameter consisting of residue such as trees, stumps, shrubbery or other natural vegetation in preparation of a land improvement or construction project as distinguished from a forest harvest operation.

**NONATTAINMENT AREA** - means a clearly delineated geographic area which has been designated by the Environmental Protection Agency and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

**NUISANCE** - means an emission of smoke from any open fire to be deposited beyond the property line, if it interferes with the use and enjoyment of the property deposited on.

**OPEN BURNING** - means all forms of outdoor burning except those listed as exempt in section 502 of this regulation.

**OUTDOOR BURNING** - means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

**REASONABLE ALTERNATIVES** - means alternatives to outdoor burning that cost less than eight dollars and fifty cents (\$8.50) per cubic yard are considered reasonable. This amount shall be adjusted periodically to reflect changing economic conditions. Adjustments will be based on Authority policy and guidelines provided by Ecology.

**RECREATIONAL FIRE** - means barbecues and campfires, not for debris disposal purposes, in public areas or on private property. Fuels used may not contain prohibited materials.

**SILVICULTURAL BURNING** - means burning on any land the department of natural resources protects per RCW 70.94.030(13), RCW 70.94.660, RCW 70.94.690 and pursuant to Chapter 76.04 RCW.

**URBAN GROWTH AREA** - means an area defined by RCW 36.70A.030.

### 501.4 PROHIBITED MATERIALS

501.41 The following materials shall not be burned in any outdoor fire: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, construction debris, metal or any substance other than natural vegetation, which when burned releases toxic emissions, dense smoke, or odors.

501.42 Prohibited materials may be burned in the following circumstances:

501.421 Diseased animals and infested material. When ordered by a duly authorized health officer and authorized by the Authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

501.422 Dangerous material. When ordered by a fire protection agency and when authorized by the Authority, fires to dispose of materials presenting danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.

### 501.5 CURTAILMENT DURING EPISODES OR IMPAIRED AIR QUALITY

501.51 No outdoor fire shall be ignited:

501.511 Whenever Ecology declares an air pollution episode for the

geographical area pursuant to Chapter 173-435 WAC; or

- 501.512 Whenever Ecology or the Authority declares impaired air quality for the geographical area.
- 501.513 Within any county in which the Authority declares impaired air quality.
- 501.514 Within Skagit, Whatcom, and Island counties if impaired air quality is declared in both Skagit and Whatcom counties.

501.52 A person responsible for an outdoor fire at the time an episode or impaired air quality is declared shall extinguish that fire. Outdoor burning conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.670 shall be extinguished by withholding new fuel and allowing the fire to burn down.

501.53 Smoke visible from outdoor burning after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.

501.54 For Department of Natural Resource silvicultural burning, smoke visible from outdoor burning after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.

501.6 OPEN BURNING PROGRAM

501.61 General Requirements.

- 501.611 All burning requires a permit as covered in section 501.7.
- 501.612 Permits shall not be issued, and thus open burning is not allowed, in areas where reasonable alternatives are available.
- 501.613 No open burning shall be allowed in areas that exceed federal or state ambient air quality standards for fine particulate matter (PM-10) or carbon monoxide. Such areas shall be defined as the entire PM-10 and/or carbon monoxide nonattainment area, unless otherwise determined pursuant to section 506.21 of the regulation.
- 501.614 A fire protection authority may declare a fire hazard in areas

where burning is banned and in areas where burning is allowed. If open burning is determined to be the most appropriate manner to abate a fire hazard, the fire protection authority must request from the Authority permission to burn. Permits issued under section 501.614 shall provide that:

- 501.6141 Prohibited material shall not be burned.
- 501.6142 Burning shall not be conducted during a period of impaired air quality.
- 501.6143 No reasonable alternative is available.
- 501.6144 No open burning shall be conducted in areas that exceed federal or state ambient air quality standards for Carbon monoxide and/or PM-10. Such areas shall be defined as nonattainment areas for these pollutants.

501.62 Additional Requirements for Nonattainment Areas

501.621 Phase-out Approach. The Authority may petition Ecology to allow a phase-out approach in nonattainment areas. The phase-out approach will focus on how to achieve the Clean Air Washington goals and eliminate burning in areas that exceed the standards.

Ecology will review and determine if the petition should be approved. The Ecology may partially approve petitions or approve petitions with conditions based on the following criteria:

- 5016211 Population and population density considerations.
- 501.6212 Air quality in the region can support open burning



based upon geographical and meteorological conditions.

501.6213 The presents of a permitting program.

501.6214 The extent to which reasonable alternatives to open burning are being developed through solid waste management plans and the schedule for the availability of such reasonable alternatives.

501.622 The petition to allows for a burning phase-out approach is due to the Ecology no later thirty (30) days after an area is designated as a nonattainment area. A ban is not effective in areas identified in the petition until after Ecology makes a ruling on the petition.

501.623 The phase-out plan identified in the petition shall be rendered void: 1) when alternatives are available or 2) when Ecology demonstrates to the Environmental Protection Agency that air quality standards are achieved.

501.624 Fires may be permitted in areas where burning is otherwise banned under the following conditions.

501.6241 Fire training. The Authority may issue permits for fire training fires, pursuant to Ecology guidelines and rules.

501.6242 The Authority may permit, fires that are part of a defined research project, weed abatement, and smoke training as part of a military training exercise.

501.6243 Responding to open burning calls. Each affect-

ed County shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints or violations using appropriate field notices. In areas where the county has no jurisdiction, the Authority will negotiate with the appropriate local agency on field response.

501.63 Additional Requirements for Urban Growth Areas and Cities with a Population of Ten Thousand (10,000) or More.

501.631 Open Burning will be banned when reasonable alternatives are available. Regardless of alternative availability, open burning will be banned after December 31, 2000.

501.632 Until open burning is banned, it is allowed subject to the permitting provisions of this section.

501.633 When open burning is banned, the provisions in section 501.62 shall apply.

501.7 OPEN BURNING PERMIT REQUIREMENTS

501.71 All outdoor burning requires a permit. For areas where burning is allowed, the Authority, fire districts or departments, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to open burning complaints. Ecology will provide guidance for field response programs which addresses funding, training, and staffing.

501.72 In selecting a permit program, the options range from the minimum - a general rule burn, as described below, to a written permit. A permit program must be in place eight months after Ecology provides guidance for the program. If at that time, no agreement has been reached, the area becomes a no-burn area and falls under the restrictions set forth in section 501.62 above. A no-burn area will be established only after a public hearing has been conducted to address the matter.

PERMANENT

501.73 Fees. The Authority may charge a fee to cover the administrative cost of a permit program. Fire districts, counties, and conservation districts issuing fire permits may collect fees to cover administrative costs.

501.74 The Authority may apply additional restrictions on open burning as necessary to reduce the impacts from open burning. These restrictions include, but are not limited to, restricting burning in sensitive areas per 173-400 WAC, restricting the time periods for which burning is allowed, limiting permissible hours of burning, restricting burning to specific weather conditions, and imposing requirement for good combustion.

501.75 General Rule Burn Permits. For areas where burning is allowed, fire permitting agencies may elect to use a general permit by rule. A person burning under a general permit by rule system must meet, at minimum, the following requirements and any additional restrictions including those established by cities, counties, or fire protection authorities. Persons not able to meet all of the requirements of this sections must apply for and receive a written permit.

General rule burn permits under section 501.75 may be used for the following number of days per year:

1992-1995	twenty-one days/year
1995-1998	fourteen days/year
After 1998	seven days/year

A person burning under a general rule burn permit must follow the requirements listed in section 5107.51 through 501.759 below and any additional restrictions in affect while burning, including those established by cities, counties, fire protection agencies, and the Authority.

501.751 The fire must not include prohibited materials except what paper is necessary to start the fire.

501.752 A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

501.753 No fires are to be within fifty (50) feet of structures.

501.754 The pile must not be larger than four feet in diameter.

501.755 Only one pile at a time may be burned, and each pile must be

extinguished before lighting another.

501.756 No outdoor fire is permitted in or within five hundred (500) feet of forest slash without a written burning permit.

501.757 The designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained.

501.758 If the fire creates a nuisance, it must be extinguished.

501.759 Permission from a landowner or designated representative must be obtained before building an outdoor fire.

501.76 Additional requirements for land clearing burning. The following "best available burning practices" shall be used when land clearing burns are conducted.

501.761 No land clearing fire shall be larger than fifty (50) feet in diameter and be located less than five times the fire diameter size from any structure.

501.762 No land clearing fire shall be ignited and no material shall be added to any fire after 6:00 pm; and no land clearing fire shall commence before 6:00 am each day unless prior approval is granted by the Authority.

501.763 At least one fan rated and operated at 6,000 cubic feet per minute must be on site for each twenty-five (25) feet of fire diameter and must be used to facilitate ignition and burning unless comparable winds make a fan unnecessary.

501.764 Material for a fire must be free of excess dirt and machine stacked by an excavator or equivalent machine which must be on site and employed until all visible emissions cease. The ratio of stack height to burn pile diameter shall be as high as possible but no less than 1:2.

501.765 The number of fires per parcel, defined as a single, integrated, land area that is being cleared by a party, shall be:

501.7651 No more than one fire per acre: and

- 501.7652 No more than three fires per parcel, which must be set in sequence, with each fire fully engaged prior to setting another.
  - 501.766 Stumps and tree trunks must be split so that no material exceeding three (3) feet in diameter is burned.
  - 501.767 A person qualified to operate stacking or equivalent machinery shall be present at the immediate fire site during burning.
  - 501.768 Burning shall be conducted in such a manner as to prevent any smoke and/or particulate matter from being emitted that is or is likely to restrict visibility on a public road or airport landing strip.
  - 501.769 Outdoor fires for the purpose of land clearing burning must have a written permit from the appropriate fire permitting agency. Notwithstanding the restrictions listed in sections 501.761 through 501.768 above, all land clearing fires must meet any additional the conditions listed on the permit and all other applicable air pollution regulations.
- conduct sandblasting, without ~~((taking reasonable precautions))~~ using Best Available Control Technology to prevent the release of fugitive particulate matter to the ambient air.
  - 550.3 It shall be unlawful for any person to cause or permit untreated open areas located within a private lot or roadway to be maintained without ~~((taking reasonable precautions))~~ using Best Available Control Technology to prevent the release fugitive of particulate matter to the ambient air.
  - 550.4 It shall be unlawful for any person to cause or permit the emission of particulate matter which becomes deposited upon the property of others 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.

AMENDATORY SECTION

NWAPA REGULATION SECTION 580.6 - Gasoline Stations

- 580.61 Section 580.62 shall apply to:
  - 580.611 All gasoline stations in existence on January 1, 1990 with a total annual gasoline output greater than one million three hundred twenty-five thousand liters (350,000 gallons) and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons) and
  - 580.612 All gasoline stations installed or reconstructed after January 1, 1990.
- 580.62 It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank except as provided in 580.63 of this section unless the following conditions are met:
  - 580.621 Such stationary storage tank is equipped with a permanent submerged fill pipe and approved vapor recovery system, and
  - 580.622 Such transport tank is equipped to balance vapors and is maintained in a vapor-tight condition in accordance with Section 580.10 and
  - 580.623 All vapor return line are connected between the transport tank and the stationary storage tank and the vapor recovery system is operating.
- 580.63 Notwithstanding the requirements of 580.61 of this regulation, the following stationary gasoline storage tanks are exempt from the requirements of 580.62:
  - 580.631 All tanks with a capacity less than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1990.

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

REPEALER

NWAPA REGULATION SECTION 509 - OUTDOOR FIRES - AIR CURTAIN OPEN PIT BURNER PERMANENT INSTALLATION

AMENDATORY SECTION

NWAPA REGULATION SECTION 550 - PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

- 550.1 It shall be unlawful for any person to cause or permit material to be handled, transported or stored without ~~((taking reasonable precaution))~~ using Best Available Control Technology to prevent the release of fugitive particulate matter to the ambient air.
- 550.2 It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished, or

PERMANENT

- 580.632 All tanks with offset fill lines installed before January 1, 1990.
- 580.633 All tanks with a capacity less than one thousand liters (260 gallons).
- 580.64 It shall be unlawful for any person to cause or allow the transfer of gasoline from a stationary tank into a motor vehicle fuel tank except as provided in 580.65 of this section unless the following conditions are met:
- 580.641 The gasoline station shall be equipped with a certified Stage II vapor recovery system.
- 580.642 The owner or operator of the gasoline station shall not allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.
- 580.643 All Stage II vapor recovery equipment shall be maintained in accordance with the systems certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.
- 580.644 Whenever a Stage II vapor recovery system is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.
- 580.645 The owner or operator of each gasoline station utilizing Stage II vapor controls shall post operating instructions for the system as referenced in WAC 173-491-40 (5),(f).
- 580.65 The following gasoline stations are exempt from the requirements of 580.64:
- 580.651 All gasoline stations in existence August 2, 1991 having an annual gasoline throughput less than three million, one hundred and eighty-two thousand liters (840,000 gallons).
- 580.652 All gasoline stations built after August 2, 1991 with a nominal gasoline storage capacity of thirty-seven thousand nine hundred liters (10,000 gallons) or less.

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

**WSR 93-10-021**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3535—Filed April 28, 1993, 1:27 p.m.]

Date of Adoption: April 28, 1993.

**Purpose:** This amendment makes Washington state health and safety standards for in-home child care consistent with the federal child care and development block grant (CCDBG) rules.

**Citation of Existing Rules Affected by this Order:** Amending WAC 388-15-170 General and seasonal child day care services.

**Statutory Authority for Adoption:** RCW 74.12.340.

**Other Authority:** 45 CFR Part 98.41 Child Care and Development Block Grant.

Pursuant to notice filed as WSR 93-07-018 on March 8, 1993.

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

April 28, 1993

Rosemary Carr

Acting Director

Administrative Services

**AMENDATORY SECTION** (Amending Order 3393, filed 5/19/92, effective 6/19/92)

**WAC 388-15-170 General and seasonal child day care services.** (1) The department may approve child day care funding to facilitate care, protection, and related services for a child twelve years of age or younger. The department may approve special needs child care for a child((=

(a)) nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state ((based on a determination by a physician or a licensed or certified psychologist, or

(b) Who is under court supervision)), supported by medical documentation.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parents, or parent ((is)) in a single-parent household, are employed and ((is)) are not ((and)) aid ((for)) to families with dependent children (AFDC) grant recipients;

(b) Parents, or parent ((is)) in a single-parent household, are employed and receiving AFDC;

(c) Parents, or parent ((is)) in a single-parent household, are receiving AFDC and ((is)) are enrolled in job opportunity and basic skills (JOBS);

(d) School-aged parent is enrolled in an approved secondary education or GED program;

(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or

(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.

(3) The department shall limit goals for general child day care services as specified ((in)) under WAC 388-15-010 (1)(a), (d), ((and)) (e), and (2). ((Also see WAC 388-15-010(2)-))

(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of ~~((their))~~ the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.

(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) ~~((At least))~~ Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). ~~((These families))~~ The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. ~~((Families))~~ The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of ((their)) the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection ~~((4))~~ (5)(b) and ~~((e))~~ (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In ~~((their))~~ the child's own home with an unrelated person.

(8) When the ~~((department approves an))~~ parent or guardian chooses in-home care or relative, relative's home ~~((child))~~ care ((plan at)), the ~~((request of a parent, the caretaker))~~ parent or guardian shall ((meet)) make the following ((minimum qualifications and fulfill the following responsibilities)) assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;

~~((b))~~ (ii) Be free of communicable disease((including tuberculosis, as shown by tests within the year));

~~((e))~~ (iii) Be of sufficient physical, emotional, and mental health to meet the needs of the ((children)) child in care((;-d)). Subject to the discretion of the social worker, the ((caretaker)) parent or guardian shall provide written evidence to the department that ((such)) the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

~~((e))~~ (iv) Be able to work with ((children)) the child without using corporal punishment or psychological abuse;

~~((f))~~ (v) Be able to accept and follow instructions;

~~((g))~~ (vi) Be able to maintain personal cleanliness;

~~((h))~~ (vii) Be prompt and regular in job attendance;

~~((i))~~ and

(viii) Meet the department's in-home caretaker registration requirement((;-j)). Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

~~((i))~~ (i) ((Consider his or her primary function as that of child day care provider;

~~((ii))~~ (ii) Provide constant care and supervision of the ((children)) child for whom ((they are)) the caretaker is responsible throughout the time ((they are)) the caretaker is on duty in accordance with the ((children's)) needs of the child; and

~~((iii))~~ (iii) Provide developmentally appropriate activities for ((children)) the child under ((their)) the caretaker's care.

(c) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the ~~((provider))~~ caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home ~~((care provider))~~ caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for

review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

~~((e) A child is eligible for Employment Child Care subsidies when:~~

- ~~(i) The child receives an AFDC grant;~~
- ~~(ii) The child lives with a nonresponsible relative;~~
- ~~(iii) The relative does not receive an AFDC grant; and~~
- ~~(iv) The relative is employed.)~~

**WSR 93-10-022**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3537—Filed April 28, 1993, 1:28 p.m.]

Date of Adoption: April 28, 1993.

Purpose: This rule amendment prescribes the correct treatment of the income of a patient under sanction for refusal or failure to participate with JOBS program requirements. Incorporates a cross-reference to WAC 388-47-210 JOBS program—Sanctions for refusal or failure to participate.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-485 Use of income and income potentials—Parental income and support.

Statutory Authority for Adoption: RCW 74.04.055.

Pursuant to notice filed as WSR 93-07-072 on March 17, 1993.

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

April 28, 1993  
 Rosemary Carr  
 Acting Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

**WAC 388-28-485 Use of income and income potentials—Parental income and support.** (1) Support payments made by or in behalf of an absent parent are income to the ~~((child(ren)))~~ child and are to be treated in accordance with WAC 388-14-210.

(2) When the custodial parent is not included in the assistance unit because of noncompliance with WAC 388-24-108 ~~((and))~~, 388-24-109, or 388-47-210:

(a) The income of such parent~~((s))~~ is allocated according to WAC 388-28-560(2).

(b) Support payments paid directly to the parent and not forwarded to the office of support enforcement are:

- (i) Income to the ~~((child(ren)))~~ child; and ~~((are))~~

(ii) To be taken into account in determining the need of the assistance unit.

**WSR 93-10-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3538—Filed April 28, 1993, 1:30 p.m.]

Date of Adoption: April 28, 1993.

Purpose: Clarification of ambiguous areas of the Medicaid personal care rules and allow relatives who are not legally responsible for clients to provide paid care within WAC 388-15-820, 388-15-830, 388-15-840, 833-15-850, 388-15-860, 388-15-870, 388-15-880, and 388-15-890. All amended except WAC 388-15-890 is new.

Citation of Existing Rules Affected by this Order: Amending chapter 388-15 WAC, Social services for families, children and adults.

Statutory Authority for Adoption: RCW 74.09.520.

Pursuant to notice filed as WSR 93-07-071 on March 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-15-880(6) deleted; therefore, subsection (7) now becomes new subsection (6) and subsection (5) reads "Authorizations for Medicaid personal care in a children's foster/group home, or for children residing in their own homes shall not exceed sixty hours of service per month."

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

April 28, 1993  
 Rosemary Carr  
 Acting Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-820 Medicaid personal care services—Definitions.** (1) "Applicant" means a person applying for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community residence" means a:

(a) ~~((A))~~ Client's own home, whether in a building owned or rented by the client;

(b) ~~((A))~~ Licensed adult family home under department contract;

(c) ~~((A))~~ Licensed boarding home under department contract;

(d) ~~((A))~~ Licensed children's foster family home; ~~((or))~~

(e) ~~((A))~~ Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement where two or more adults share expenses and reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is

limited to allowable help with the tasks (~~(listed under subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this subsection))~~ of ambulation, bathing, body care, dressing, eating, essential shopping, personal hygiene, positioning, self-medication, toileting, transfer, and travel to medical services as defined under WAC 388-15-202. ~~((The type of help allowable for each task shall not include assistance that must be provided only by a licensed health professional.~~

(a) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, other basic personal hygiene, and grooming needs. Personal hygiene includes supervising a client when performing the tasks, assisting the client when caring for own appearance, and performing grooming tasks for the client when unable to care for own appearance.

(b) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding a client when the client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing the client when unable to participate in dressing or undressing self.

(c) "Bathing" means assisting a client to wash self. Bathing includes supervising the client able to bathe self when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(d) "Eating" means assistance with eating. Eating includes supervising a client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(e) "Toileting" means assistance with bladder or bowel problems. Toileting includes supervising a client when able to care for own toileting needs if guided, helping the client to and from the bathroom, assisting with bedpan routines, diapering and lifting client on and off the toilet. Toileting may include performing routine peri/colostomy/catheter tasks, for the client when client is able to supervise the activities.

(f) "Ambulation" means assisting the client to move around. Ambulation includes supervising a client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if the client is able to propel a wheelchair if guided, pushing the wheelchair, and providing constant physical assistance to the client if totally unable to walk alone or with a mechanical device.

(g) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising a client when able to transfer if guided, providing steadying, and helping the client when the client assists in own transfer. Lifting the client when client is unable to assist in own transfer requires specialized training.

(h) "Positioning" means assisting a client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(i) "Self-medication" means assisting a client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is

time to take prescribed medication, handing the medication container to the client, and opening a container.

(j) "Body care" means assisting a client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails. Body care excludes foot care for a client who is diabetic or has poor circulation. Body care excludes changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(k) "Travel to medical services" means accompanying or transporting a client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(l) "Essential shopping" means assistance with shopping to meet a client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health and maintenance of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.)

(5) "Handicapping condition" means a medical condition which causes a functional impairment in activities of daily living.

(6) "Household assistance" means assistance with incidental household (~~(services))~~ tasks provided as an integral, but subordinate part of the personal care furnished directly to a client. Household assistance shall be considered an integral part of personal care when such assistance is directly related to a medical condition (~~(or to a service)),~~ is reflected in the client's service plan, and is ((furnished along with a) provided only when a client is assessed as needing personal care assistance with one or more direct personal care ((service)) tasks. ~~((The department shall not authorize household assistance as a Medicaid personal care task in an adult family home, licensed boarding home, children's foster family home, or children's group care facility.~~

(a) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting a client able to participate in meal preparation, preparing meals for the client unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(b) "Laundry" means washing, drying, ironing, and mending clothes and linens used by a client or helping the client perform these tasks.

(c) "Housework" means performing or helping a client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed can include cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(d) "Wood supply" means splitting, stacking, or carrying wood for a client and used as the sole source of fuel for heating and/or cooking. This task is limited to splitting,

~~stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable~~) Incidental household tasks are limited to housework, laundry, meal preparation and wood supply as defined under WAC 388-15-202.

(7) ~~"(Immediate family member)~~ Legally responsible relative" means a ~~((client's husband or wife,))~~ spouse for a spouse, or a parent~~((or))~~ of a minor child.

(8) "Medicaid personal care services" means medically-oriented tasks, directed at a client or the client's immediate environment, that are necessitated by the client's handicapping condition. Such services shall be:

(a) Based on an assessment of applicant/client needs;

(b) Provided in conformance with a service plan ordered by a client's attending physician;

(c) Reviewed by a registered nurse at least every ninety days;

(d) Performed by qualified and trained personal care aides, excluding ~~((members of a client's immediate family,))~~ a legally responsible relative;

(e) Services shall be provided in a ~~((clients [client's]))~~ client's own home when the client is present in the home.

(9) "Medically-oriented tasks" means direct personal care services, household assistance provided as an integral but subordinate part of the personal care furnished directly to a client, and supervision.

(10) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to a client. This person may be an employee of a qualified agency provider or may be under contract as a qualified individual provider.

(11) "Personal care assistance" means hands-on assistance with personal care tasks which requires action by the provider beyond cueing, prompting, reminding, or supervising.

(12) "Personal care provider" means a qualified agency provider or a qualified individual provider who is not a ~~((member of a clients [client's] immediate family))~~ legally responsible relative of the client and is under department contract to provide Medicaid personal care services.

~~((12))~~ (13) "Personal care service plan" means a plan which is:

(a) Developed by the department and the client or client's representative in cooperation with appropriate community agency staff;

(b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;

(c) Ordered by a client's attending physician.

~~((13))~~ (14) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005~~((54))~~(52), or a client's Christian Science practitioner.

~~((14))~~ (15) "Physician's order" means written approval by a client's attending physician of the specific personal services to be provided to the client.

~~((15))~~ (16) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

~~((16))~~ (17) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

~~((17))~~ (18) "Supervision" means ~~((being available to: (a) Help a client with personal care tasks that cannot be scheduled (toileting, ambulation, transfer, positioning, some medication assistance); and/or~~

~~(b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment))~~ unscheduled help with personal care tasks or protective supervision as defined under WAC 388-15-202, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

**WAC 388-15-830 Medicaid personal care services—Eligibility.** (1) The department shall provide Medicaid personal care services to ~~((an individual))~~ a person:

(a) Certified as a Title XIX categorically needy medical assistance client; ~~((and))~~

(b) Programmatically eligible; that is, due to a ~~((handicapped))~~ handicapping condition, is determined to need personal care assistance with one or more direct Medicaid personal care ~~((services))~~ tasks to remain in a community residence; ((and))

(c) Residing in own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility; and

(d) With a physician's order approving provision of specific personal care services.

(2) A person's eligibility for Medicaid personal care services shall begin upon date of the department's service authorization.

(3) The department shall not authorize chore services or adult family home add-on services to ~~((an individual))~~ a person qualifying for Medicaid personal care services when the ~~((individual's))~~ person's service needs are met within the scope of the Medicaid personal care program.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-840 Medicaid personal care services—Assessment—Authorization.** (1) ~~((The))~~ Department staff shall ~~((provide an))~~ perform a person's assessment ~~((of an individual applying for, or being referred for, Medicaid personal care services.~~

~~((2))~~ ~~The department shall use the approved assessment form in an interview with an applicant documenting:~~

~~((a))~~ ~~The applicant's functional capability to perform personal care tasks essential to health or safety;~~

~~((b))~~ ~~Current and potential care contributions by formal and informal supports available to an applicant;~~

~~((c))~~ ~~An applicant's preference for how care is provided))~~ or use assessment information received which has been administered as required under WAC 388-15-202 through 388-15-205.

~~((3))~~ (2) When ~~((children are))~~ a child is assessed, the assessor shall consider the personal care applicant's age in determining if the degree of personal care needed is appropriate to the child's age, or as the result of the applicant's functional impairment. The assessor shall only assess need



for personal care services (~~shall only be assessed for needs~~) exceeding the level of age appropriate personal care.

~~((4))~~ (3) The assessor shall perform an assessment ~~(and)~~ or reassessment (~~shall be performed~~) within the department-established time frames.

~~((5))~~ (4) The department shall be responsible for authorizing Medicaid personal care services.

~~((6) The number of hours authorized shall be based on an applicant/client's need for assistance with Medicaid personal care tasks as determined through)~~ (5) For each task listed on the assessment ~~(process. Points)~~ form, the department staff shall ~~(be awarded for each task according to)~~ determine the degree of assistance needed ~~(, and the point total shall be converted into maximum allowable hours)~~ as required under WAC 388-15-203.

~~((7))~~ (6) A client's attending physician shall review and reauthorize the client's service plan at least once every twelve months.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-850 Medicaid personal care services—Nurse oversight.** (1) A registered nurse shall visit a client at least once every ninety days not to exceed four visits in any one year period to:

(a) Review the client's medical and ~~((of))~~ mental condition;

(b) Review the service plan determining if revisions ~~((are))~~ may be required and, if so, recommend revisions;

(c) Review the client's need for continued care;

(d) Assess the quality of personal care services received; and

(e) Assess the personal care provider's need for additional training.

(2) The registered nurse shall document the result of ~~((an))~~ the nurse's oversight visit on the department-prescribed form.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-860 Medicaid personal care services—Personal care aide qualifications.** ~~((4))~~ The department shall:

~~((a))~~ (1) Define minimum qualifications for a personal care aide and require an aide meet the qualifications;

~~((b))~~ (2) Define minimum orientation and training requirements for a personal care aide and require documentation stating minimum requirements are met; ~~((c))~~ and

(3) List definitions for minimum qualifications and training requirements for a personal care aide ~~(shall be contained)~~ in the department's field manual for Medicaid personal care.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-870 Medicaid personal care services—Service provision system.** (1) Area agencies on aging shall contract with qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) DCFS shall contract with qualified agency providers to perform Medicaid personal care services for children in foster/group homes, their own homes, or relative placement at the department-established rates.

(3) The department may contract with Indian tribes who meet qualifications to provide Medicaid personal care services at the department-established rates.

(4) Area agencies on aging shall provide or contract for registered nurse oversight for Medicaid personal care services.

~~((3))~~ (5) The department shall contract with area agencies on aging to assume the ~~((above))~~ responsibilities as described under subsections (1) and (4) of this section.

~~((4))~~ (6) The department shall contract with a qualified individual provider to perform Medicaid personal care services at the department-established rate.

~~((5))~~ (7) Agency providers shall deliver services to ~~((an))~~ adult clients in the clients' own residences unless the personal care service plan exceeds eighty-five hours per month. An individual provider may deliver services to a child in the child's own residence regardless of the hours authorized. A client shall have freedom of choice in selecting a qualified agency provider.

~~((6))~~ (8) An individual provider under contract with the department shall deliver services to a client in the client's own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

~~((7))~~ (9) Adult family home (AFH) ~~((sponsors))~~ providers or ~~((licensed))~~ boarding home staff shall provide services to clients in ~~((an))~~ a licensed and contracted AFH or ~~((licensed))~~ boarding home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility as defined in WAC 388-73-014(8). Clients shall have freedom of choice in selecting a licensed and contracted AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

**WAC 388-15-880 Payment and authorization.** Payment and authorization.

(1) In the individual provider program, the department pays ~~((an hourly))~~ the department established rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.

(2) In the contracted program, the department pays the contractor who pays the service provider.

(3) The department shall establish rates paid for the provision of Medicaid personal care ~~((shall be established by the department))~~. Current maximum rates shall be contained in the departments social service payment system appendices A, E, and C.

(4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.

(5) DCFS authorizations for Medicaid personal care ~~((an adult family home))~~ in a childrens foster/group home, or

for children residing in their own homes shall not exceed sixty hours of service per month.

(6) ~~((Authorizations for Medicaid personal care in a licensed boarding home under department contract shall not exceed thirty hours per month.~~

(7)) The department shall not make payment ~~((shall not be made))~~ for services provided exceeding the department's authorization.

#### NEW SECTION

**WAC 388-15-890 Medicaid personal care services—Program limitations.** (1) The department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone, or at a site other than the client's residence, except for the tasks of laundry, travel to medical services, and essential shopping;

(c) Developing social, behavioral, recreational, communication, or other types of skills;

(d) Cleaning areas of the home not occupied by the client, laundering clothing or bedding for someone other than the client, and shopping for groceries or household items not required specifically for the health and maintenance of the client;

(e) Direct personal care tasks, household assistance, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing personal care assistance with one or more direct personal care tasks; and

(f) Companionship.

(2) The department shall adjust payment for services according to department established rates which take into account the common household tasks of essential shopping, meal preparation, laundry, housework, and wood supply when:

(a) More than one client lives in the same household; and

(b) The client is sharing living arrangements.

(3) The department shall not authorize meal preparation, wood supply, laundry, or housework as a Medicaid personal care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home.

(4) The type of help allowable for each personal care task shall not include assistance that must be provided only by a licensed health professional.

**WSR 93-10-024**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3539—Filed April 28, 1993, 1:32 p.m.]

Date of Adoption: April 28, 1993.

Purpose: To provide standards for batterers' treatment programs to use as a base. Provides list of certified treatment providers to courts who wish to sentence offending batterers to treatment. This creates a new chapter on chapter 388-60 WAC.

Statutory Authority for Adoption: 1992 HB 1884.  
Pursuant to notice filed as WSR 93-06-082 on March 3, 1993.

Effective Date of Rule: Thirty-one days after filing.  
April 28, 1993  
Rosemary Carr  
Acting director  
Administrative Services

#### **Chapter 388-60 WAC** **DOMESTIC VIOLENCE PERPETRATOR PRO-** **GRAM STANDARDS**

#### NEW SECTION

**WAC 388-60-005 Scope.** The scope of this chapter is to establish domestic violence perpetrator program standards. As authorized under ESHB 1884, April 1991 and RCW 26.50.150, programs providing treatment to perpetrators only of domestic violence shall meet this chapter's domestic violence perpetrator program standards that:

(1) Accept perpetrators of domestic violence into treatment to satisfy court orders; or

(2) Represent the programs as ones that treat domestic violence perpetrators.

#### NEW SECTION

**WAC 388-60-120 Treatment focus.** (1) The program shall focus treatment primarily on ending the physical, sexual, and psychological violence, holding the perpetrator accountable for:

(a) Such perpetrator's violence; and

(b) Changing such perpetrator's behavior.

(2) The program shall base the perpetrator's treatment on strategies and philosophies which do not blame the victim. The program shall include education about individual, cultural, and family dynamics of domestic violence.

#### NEW SECTION

**WAC 388-60-130 Treatment modality.** (1) The domestic violence perpetrator programs shall require participants to participate in weekly group treatment sessions unless there is a documented, clinical reason for another modality. Other therapies may be concomitant with the weekly group treatment sessions described under this chapter, but may not substitute for the domestic violence perpetrator program treatment sessions. The department shall define other examples of therapies as:

(a) Individual therapy;

(b) Marital therapy;

(c) Family therapy;

(d) Substance abuse evaluations or therapy;

(e) Medication reviews; or

(f) Psychiatric interviews.

(2) The foremost goal of a perpetrator's treatment is to increase the victim's safety by changing the perpetrator's abusive behavior. Concomitant marital or family therapy may not be consistent with the goal of victim safety. In such cases, the program should not pursue these concomitant with domestic violence perpetrator treatment.

**NEW SECTION****WAC 388-60-140 Program policies and procedures.**

The program complying with the Washington standards for domestic violence perpetrator programs shall adopt and implement treatment program policies and procedures which address, at a minimum, the following issues:

(1) Victim safety. The program shall:

(a) Have policies and procedures which adequately assess the safety of the victim of the perpetrator.

(b) Take the following steps to protect the safety of the victim:

(i) Notify the victim of the applicant's acceptance or rejection for treatment services;

(ii) Encourage victims to make plans to protect themselves and their children; and

(iii) Inform victims of the availability of outreach, advocacy, emergency services, and safety planning offered by domestic violence victim programs.

(2) Nondiscrimination. The programs shall not discriminate against any applicant based on:

(a) Race;

(b) Age;

(c) Gender;

(d) Disability;

(e) Religion;

(f) Marital status;

(g) Political affiliation;

(h) Educational attainment;

(i) Socio-economic class;

(j) Ethnicity;

(k) National origin; or

(l) Sexual orientation.

When feasible, the programs shall provide culturally sensitive services. The programs shall review program curricula, publications, and audio-visual materials to ensure adherence to these standards of cultural sensitivity and nondiscrimination.

(3) Screening authority and responsibilities. The programs shall operate within the following scope of authority and responsibility:

(a) Authority to accept or reject all referrals;

(b) Develop and utilize criteria for acceptance or rejection for treatment services; and

(c) Accept responsibility to and shall have authority to impose any conditions on participation in treatment services that the program deems appropriate.

(4) Rights of participants.

(a) The programs shall acknowledge the:

(i) Obligation to provide the highest level of quality service to participants; and

(ii) Rights of participants to be treated with respect and dignity.

(b) Program staff, board, and volunteers shall:

(i) Not engage in, condone, or tolerate acts of sexual harassment or exploitation of employees, student interns, program participants, or battered victims of participants; and

(ii) Establish a climate in all relationships with colleagues and participants based on respect for one another.

(5) Confidentiality.

(a) Right to confidentiality. Programs shall adhere to the standards of confidentiality promulgated in chapter 18.19

RCW for registered counselors. Communications between the participant and the program shall be confidential unless specifically exempted from confidentiality by the participant's release of information or by law.

(b) Waiver of confidentiality—mandatory releases. To facilitate communication necessary for periodic safety checks and case monitoring, the program shall require the perpetrator to sign the following releases:

(i) A release for the program to:

(A) Inform the victim and victim's community advocates and legal advocates that the perpetrator is in treatment with the program; and

(B) Provide information for safety purposes to the victim and the victim's community/legal advocates.

(ii) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(iii) A release for the program to provide information on the perpetrator to relevant legal entities including:

(A) Lawyers;

(B) Courts;

(C) Parole;

(D) Probation;

(E) Child protective services; and

(F) Child welfare services.

(iv) A release for the program to notify any person whose safety appears to be at risk for the participant's potential for violence and lethality, including but not limited to:

(A) The victim;

(B) Any children;

(C) Significant others;

(D) Victims advocates; or

(E) Police.

(c) Optional releases. Programs may require a participant to sign a release permitting the program to provide the victim with periodic reports regarding the participant's participation. Programs are not required to obtain this release or to provide this information to victims.

(d) Victim confidentiality. The program shall treat information provided by the victim to the program as confidential unless the victim provides explicit permission for the disclosure of the information. If a new offense has occurred, the victim will be asked to contact the appropriate law enforcement agency and the local domestic violence victim's program.

(e) Confidentiality in group activities. The program counseling and educational groups shall be:

(i) Confidential, except as provided under subsection (5)(b) of this section; and

(ii) Closed to those other than participants, program staff and/or volunteer group leaders, and others specifically invited by the group leaders. Others specifically invited by group leaders may include:

(A) Professionals and those offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and

(B) Others bringing specific information critical to the group.

(f) The program shall obtain a written agreement for confidentiality with all participants and invited guests. The confidentiality agreement shall prohibit disclosure of identities of participants or participant-specific information except

as specific participants provide written permission for disclosure.

(g) The program shall only audio or video tape group sessions when all participants grant a written consent. The consent form shall detail the specific uses for the tape to which the participant consents. The program shall obtain additional consent statements from each participant to permit use of the tape for other than the purposes specified in the original consent.

(6) Intake/assessment. The program shall conduct an individual, complete, clinical intake/assessment interview of a perpetrator and compile a written document, including, at a minimum:

- (a) Current and past violence history;
- (b) A complete diagnostic evaluation;
- (c) A substance abuse assessment;
- (d) History of threats of homicide or suicide;
- (e) History of ideation of homicide or suicide;
- (f) A lethality risk assessment;
- (g) Possession of, access to, or a history of use of weapons;
- (h) Degree of obsessiveness and dependency on the perpetrator's victim;
  - (i) History of episodes of rage;
  - (j) History of depression and other mental health problems;
  - (k) History of having sexually abused the battered victim and others;
  - (l) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;
  - (m) Access to the battered victim;
  - (n) Criminal history;
  - (o) Assessment of cultural issues;
  - (p) Assessment of learning disabilities, literacy, and special language needs; and
  - (q) Review of other diagnostic evaluations of the perpetrator.

(7) Treatment plan.

(a) The program shall base a participant's treatment on the clinical intake/assessment. The program shall develop a treatment plan that adequately and appropriately addresses the needs of the individual participant.

(b) The program shall:

- (i) Evaluate whether a participant should be required to engage in drug and alcohol, mental health, or other treatment services while the person is a participant in the program;
- (ii) Develop a treatment plan accordingly; and
- (iii) Make appropriate referrals outside the agency. If treatment by other providers is contra-indicated, then the program shall determine prioritization of treatment;
- (iv) Determine the sequence of adjunct services if concurrent treatment is not clinically appropriate.

(c) Programs shall consider issues relating to the participant's prior victimization in designing the treatment plan.

(i) Programs shall consider the appropriateness of domestic violence victim services for participants who present extensive histories of prior victimization.

(ii) In light of consistent research findings that victims of domestic violence are female in ninety-five percent of domestic violence incidents, the program shall give special

consideration to female participants with regard to prior domestic violence victimization.

(8) Contract with program participants. The program shall require a participant to enter into a formal contract for services. The program's contract shall include, at a minimum, the following elements:

- (a) Statement of program treatment philosophy consistent with these program standards, including:
  - (i) No victim blaming;
  - (ii) Stop all forms of battering;
  - (iii) Holding the abuser accountable; and
  - (iv) Primary concern for the safety of victims.
- (b) An Agreement to cooperate with program rules;
- (c) An agreement to:
  - (A) Stop violent and threatening behaviors;
  - (B) Be nonabusive and noncontrolling in relationships;
  - (C) Develop and adhere to a responsibility plan;
  - (D) Comply with all court orders;
  - (E) Cooperate with the rules for group participation; and
  - (F) Execute all necessary documents for release of information to battered victims, law enforcement, the courts, probation, and others as appropriate and as described under subsection (5)(b) and (c) of this section.
- (d) Attendance policies and consequences of inadequate attendance;
- (e) The expectation of active participation, including sharing personal experiences, values, and attitudes, and completing group activities and assignments;
- (f) Other program expectations, such as written exams, concurrent treatment requirements, rules regarding possession of weapons, and any other conditions on participation in the program;
- (g) Criteria for administrative and contractual discharge and completion of treatment;
- (h) The right to confidentiality within the specified limits, and the requirement that participants safeguard the confidentiality of other group members;
- (i) Duty of the program to warn and protect victims, law enforcement, and third parties related to any risk of serious harm posed by the participant;
- (j) Requirement that the participant:
  - (i) Provide documents related to prior violence, prior or concurrent treatment services; or
  - (ii) Execute appropriate releases to authorize document provision by others with whom the participant has had privileged communication.
- (k) Fees/methods of payment; and
- (l) Drug and alcohol policy, including the requirement that the client attend sessions free of drugs or alcohol.
- (9) Program educational curriculum requirements. The program shall identify and utilize an educational curriculum for program participants. The program shall address at least the following topics and issues:
  - (a) Belief systems which legitimize and sustain violence against women, and/or use of violence or threat of violence to establish power and control over a partner;
  - (b) Definitions of abuse, battering, and domestic violence as described in the program standards within this chapter;
  - (c) Accountability of batterers for their actions and the need to avoid victim-blaming;
  - (d) Forms of abuse including:

- (i) Physical;
  - (ii) Emotional and sexual abuse;
  - (iii) Economic manipulation or domination;
  - (iv) Property destruction;
  - (v) Stalking;
  - (vi) Terroristic threat; and
  - (vii) Acts jeopardizing the well-being and safety of battered partners, children, pets, other family members, and friends.
- (e) Washington state law and practice regarding domestic violence;
- (f) Opportunities for each participant to identify all of their abusive conduct, the pattern of that conduct, and cultural supports which legitimize or excuse that conduct;
- (g) Techniques for achieving nonabusive or noncontrolling conduct;
- (h) Opportunities to examine values or beliefs which facilitate abuse;
- (i) Adverse legal and social consequences for batterers;
  - (j) Impact of abuse and battering of children and incompatibility of violence and abuse with responsible parenting;
  - (k) Necessity of meeting financial and legal obligations to family members; and
  - (l) Opportunity and assistance for a participant to develop a responsibility plan to ensure accountability for the participant's commitment to divest all abusive power and control over the victim.
- (10) Minimum treatment period. The program shall:
- (a) Define the minimum treatment period as the period of time required for the participant to complete the criteria for completion of treatment defined by the program. The program may not define satisfactory completion of treatment solely as a certain period of time or a certain number of sessions; and
  - (b) At a minimum, equate the treatment period to twelve or more months of accountability to the program. The program's twelve-month minimum treatment period shall include attendance at a minimum of:
    - (i) Twenty-six weekly group sessions to the completion of treatment criteria as described under subsection (11) of this section; and
    - (ii) Continue with monthly face-to-face contact with the treatment provider until the twelve-month period is complete.
- (11) Satisfactory completion of treatment. The program shall establish written criteria for satisfactory completion of treatment. At a minimum, the program shall include the following criteria for completion of treatment:
- (a) Completion of the minimum treatment period requirements;
  - (b) Attendance at weekly group sessions and all other required treatment periods;
  - (c) Cooperation with group rules throughout treatment services;
  - (d) Cessation of violence and threats of violence while a participant in the program;
  - (e) Cessation of other abusive and controlling conduct while a participant in the program;
  - (f) Adherence to the participant's responsibility plan;
  - (g) Compliance with court orders; and

(h) Compliance with other conditions and provisions of the contract for treatment services, such as compliance with substance abuse treatment requirement.

(12) Notification of completion of treatment. The program shall:

- (a) Notify the court of completion of treatment by any court-mandated participant;
- (b) When feasible, notify the victim of completion of treatment by the participant; and
- (c) Specify only that the participant has been given a contractual discharge which is based on adequate compliance with the contract and any court order.

(13) Reoffense and noncompliance. The program shall establish and implement written policies regarding consequences for reoffense and noncompliance with program policies.

(14) Termination without completion of treatment.

(a) The program shall develop guidelines for discharge so that:

- (i) Discharge decisions are uniform and predictable; and
- (ii) Discrimination does not occur against any participant, except as the program is not able to provide adequate treatment services based on the stage of its current development, personnel, or resources, based on:

- (A) Race;
- (B) Age;
- (C) Gender;
- (D) Disability;
- (E) Religion;
- (F) Martial status;
- (G) Political affiliation;
- (H) Educational attainment;
- (I) Socio-economic class;
- (J) Ethnicity;
- (K) National origin; or
- (L) Sexual orientation.

(b) The program shall document, in writing, noncompliance with the program participant contract, with a court order, probation agreement, or group rules.

(c) The program shall determine if termination of a participant's treatment without completion shall be made when the following circumstances occur:

- (i) Continued abuse, particularly physical violence;
- (ii) Failure to maintain regular attendance;
- (iii) Failure to make appropriate use of the treatment program;

(iv) Failure to comply with other treatment conditions or provisions which are part of the participant's contract, such as involvement in a recovery program for drugs and alcohol, failure to continue involvement with mental health treatment;

- (v) Failure to pay fees;
- (vi) Violation of any of the group rules; and
- (vii) Violation of any provisions of a court order.

(d) The program shall use consistent procedures to notify the court of termination without completion of court-mandated clients.

(e) The program shall establish and maintain procedures for notification of victims of termination without completion of treatment.

NEW SECTION

**WAC 388-60-150 Treatment staff qualifications.** (1) Paid and volunteer treatment staff.

(a) All paid and volunteer staff with direct treatment contact with participants shall be:

(i) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and

(ii) Free of criminal convictions involving moral turpitude.

(b) Each paid or volunteer staff person, including persons providing supervision, shall have participated in:

(i) A minimum of thirty hours of training in domestic violence from an established domestic violence victim program; and

(ii) A minimum of thirty hours of training from:

(A) An established domestic violence perpetrator treatment services program complying with these program standards; or

(B) Out-of-state domestic violence perpetrator treatment program which would meet these standards.

(c) During the two-year period beginning on the date of adoption of these standards, a program which has not yet completed administrative procedures for certification but which meets those requirements shall be deemed an "established domestic violence perpetrator treatment program complying with these program standards."

(d) Each paid or volunteer staff person providing direct treatment to participants shall have completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the required two hundred fifty hours, a paid or volunteer staff person shall complete a minimum of one hundred twenty-five hours in supervised direct treatment contact with perpetrators.

(e) Each paid or volunteer staff person providing direct treatment to participants shall hold at least a bachelor's degree, or year-for-year experience equivalent to a bachelor's degree.

(2) Trainees. The program shall consider as a trainee a paid or volunteer staff person who has not completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. A trainee may serve as a co-facilitator of groups, but a trainee may not have sole responsibility for facilitation of groups, except in programs in which a qualified supervisor is present on-site, as defined under subsection (3) of this section.

(3) Staff providing supervision of treatment staff.

(a) Each program shall have at least one person providing supervision to paid and volunteer treatment staff who meets all of the following requirements:

(i) Has a minimum of three years of experience working with both perpetrators and victims of domestic violence;

(ii) Has had a minimum of one year of experience in group facilitation;

(iii) Has completed a minimum of five hundred hours of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the five hundred hours, the person providing supervision shall complete a minimum of two hundred fifty hours in supervised direct treatment contact with perpetrators; and

(iv) Holds at least a master's degree or year-for-year experience equivalent to a master's degree.

(b) Either on-site or off-site supervision may be provided by a person meeting the qualifications required under subsection (3)(a) of this section. The programs shall establish and implement policies, procedures, and supervision schedules ensuring adequate supervision for all treatment staff.

NEW SECTION

**WAC 388-60-160 Orientation and continuing professional education requirements.** (1) The program shall provide orientation for new paid and volunteer staff to acquaint the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

(2) The program shall provide paid and volunteer staff with ongoing training and supervision by a trainer with expertise in domestic violence victim services and perpetrator treatment.

(3) A paid or volunteer staff:

(a) Member having direct treatment contact with participants shall complete a minimum of twenty hours of continuing professional education within each calendar year;

(b) Member's education shall include four or more hours of training per year on issues of sexism, racism, and homophobia, and their relationship to domestic violence;

(c) Member's training in domestic violence, alcohol/drug abuse, mental health, or other issues relating to the treatment of domestic violence perpetrators shall qualify that member's training as continuing professional education; and

(d) Member may obtain continuing professional education through classes, seminars, workshops, video or audio tapes, or other self-study programs.

NEW SECTION

**WAC 388-60-170 Cooperation with domestic violence victim programs.** The program shall show evidence of establishing and maintaining cooperative relationships with local domestic violence victim programs, including:

(1) Evidence of establishment of referral mechanisms between the domestic violence victim services programs; and

(2) Batterer treatment programs.

NEW SECTION

**WAC 388-60-180 Knowledge of law and justice system practices.** The program shall show evidence of an understanding of the laws pertaining to domestic violence and the operation of the justice system. At a minimum, programs shall be familiar with:

(1) State laws regulating the response to domestic violence by the criminal justice system;

(2) Relief available to victims of domestic violence afforded by:

(a) Washington domestic violence law and civil protection orders;

(b) Criminal no-contact orders; and

(c) Civil restraining orders.

(3) Local law enforcement, prosecution, and court and probation policies regarding domestic violence cases.

## WSR 93-10-025

## PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed April 28, 1993, 2:55 p.m.]

Date of Adoption: April 28, 1993.

Purpose: The amendment requires all claims for waiting period credit or benefits to be filed in writing; adds provisions for promptly handling late claims.

Citation of Existing Rules Affected by this Order: Amending WAC 192-12-141.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 93-07-086 on March 19, 1993.

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

April 28, 1993

Vernon E. Stoner

Commissioner

AMENDATORY SECTION (Amending Order 22-87 [2-87], filed 5/28/87)

**WAC 192-12-141 Registration, reports and claims for unemployment compensation and related benefits.**

(1) **Interstate claimants.** Individuals who file interstate claims for benefits against this state through the local office of any agent state shall not be subject to this regulation. (See WAC 192-12-130.)

(2) **Application for initial determination.** Except for good cause shown an application for initial determination shall be filed in person at a Washington state employment security office on forms provided by the department. Such application may be made at any time.

(3) **Registration for work.** As a condition of eligibility for waiting period credit or benefits, an individual shall register for work at an office of the Washington state employment security department on forms provided and shall thereafter renew his or her registration as directed during the total period which he or she maintains active claim status except as provided in WAC 192-12-150, covering the requirements for payment of benefits to partially unemployed individuals and standby workers.

(4) **Perfecting a claim for waiting period credit.**

(a) Except for good cause shown, to perfect a claim for waiting period credit, a claimant shall report in person at an employment security department office during the week for which he or she intends to claim waiting period credit.

(b) The claim for waiting period credit shall be made in writing on forms provided by the department. It shall be filed at the office during the calendar week immediately following the last day of the week being claimed except for good cause shown.

(5) **Claim for benefits.** A claim for waiting period credit or benefits shall be filed in writing with a Washington state employment security office, as prescribed by the department. The department shall determine the method and time sequence by which each individual shall file a claim for benefits.

(a) ~~((A written claim for waiting period credit or benefits shall:))~~ To be accepted as a claim for waiting period credit or benefits, the claim form shall:

(i) Include a correct week ending date which is the Saturday date of the week being claimed, and

(ii) Be filed after the week ending date of the week claimed, and

(iii) Include the answer to at least one question, and

~~((iii))~~ (iv) Include the claimant's signature, and

~~((iv))~~ (v) Be filed against an established benefit year ending date, whether monetarily eligible or ineligible, and

~~((v))~~ (vi) Include certification as to the amount of remuneration, if any, including a pension, holiday pay, vacation pay, or earnings for the week or weeks claimed, and a certification of the number of hours during each week claimed unless the certification of remuneration removes the claimant from the status of an unemployed individual as defined in RCW 50.04.310.

(b) The method for filing claims shall be one of the following:

(i) In-person method, whereby the claimant shall file the claim in person except for good cause shown;

(ii) Mail method, whereby the claimant shall file the claim by mail or in a Washington state employment security office except for good cause shown. Claims submitted by mail shall be deemed filed with the department on the postmarked date.

(iii) The commissioner may authorize other methods for the purpose of study, in response to state or national emergencies, or where unusual circumstances, not within the control of the claimant, make in-person or mail filing difficult.

(c) The time sequence for filing claims shall be one of the following:

(i) Weekly sequence, whereby claims shall be filed during the calendar week immediately following the week being claimed except for good cause shown;

(ii) Biweekly sequence, whereby a claim for a two-consecutive-week period shall be filed during the calendar week immediately following such period except for good cause shown.

(iii) The commissioner may authorize another sequence for the purpose of study, in response to state or national emergency, or where unusual circumstances, not within the control of the claimant, make another sequence more appropriate.

(6) **Certain exceptions pertaining to filing claims in person.**

(a) A claimant who is directed to file a claim for waiting period credit or benefits in person and because of returning to work is unable to do so must be permitted to file the claim by mail. The claimant must file the claim or claims within the same period as the claimant was directed to file in person except for good cause shown, provided that claims submitted by mail shall be deemed filed with the department on the postmarked date.

(b) In the event that a claimant is scheduled to file a claim (or claims) in person on the last business day of the week and the claimant fails to file as scheduled, the claimant shall be allowed the next business day to file such claim (or claims) in person.

(7) **Reporting responsibility.** Irrespective of time sequences for filing claims for waiting period credit or benefits, the department may require a claimant to report to a local office in person for any reason deemed appropriate.

Failure to report, as and when directed, shall result in the denial of benefits for the week during which such failure occurs, except for good cause shown.

(8) **Itinerant offices.** In cases where a representative of the employment security department shall establish a location apart from the usual place of reporting for the purpose of taking registrations, initial applications or claims for waiting period credit or benefits, all individuals registering or filing an application or claims at such location shall be deemed to have registered or filed at an Employment Security office.

**(9) Provisions for processing late claims.**

If a claim form is filed with the intent to claim benefits for more than one week and one or more of the weeks is late filed;

(a) The week or weeks that are not late filed shall be promptly processed and paid if all other eligibility requirements are met, and

(b) The week or weeks that are late filed shall be promptly processed and conditionally paid unless the claimant shows good cause for late filing.

~~((9))~~ **(10) Provisions for handling incomplete claims.**

(a) In the event that a claim form does not conform to the definition of a claim for waiting period credit for benefits, the form may be returned to the claimant for correction or completion. Any such returned form will be accompanied by a written explanation or the reason for return, and the correction or completion of omitted entries required.

(b) If a claim form is submitted with the intent to claim benefits for more than one week, and one or more of the weeks do not conform to the definition of a claim for benefits, the week or weeks that do meet the definition shall be promptly processed.

~~((10))~~ **(11) Reopening of claims.** A claimant shall report in person at an employment security department office during the first week for which benefits are claimed after a break or interruption of one or more weeks in a series of consecutive weekly claims, except for good cause shown. The department may waive or modify this requirement, when authorized by the commissioner, for administrative reasons or to reduce hardship to the public.

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 93-10-038**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
[Order 358—Filed April 28, 1993, 4:00 p.m.]

Date of Adoption: April 27, 1993.

Purpose: To establish a lead registry in the state similar to registries established for certain infectious diseases. Requires laboratories testing blood specimens for lead to report results of those tests to the Department of Health.

Statutory Authority for Adoption: RCW 43.20.050(3).

Pursuant to notice filed as WSR 93-06-094 on March 3, 1993.

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

April 27, 1993

Bruce Miyahara  
Secretary

NEW SECTION

**WAC 246-100-042 Reporting of blood lead levels.**

(1) Pursuant to WAC 246-100-041, the state health officer finds as follows:

(a) Adverse health effects resulting from elevated levels of lead in the blood has been acknowledged as a public health concern throughout the United States;

(b) Epidemiologic investigation based on reports of the results of blood level tests may contribute to the understanding of the condition, its prevalence within the state of Washington, and especially the extent to which the condition affects both children and those who may be exposed to lead in the work place;

(c) Rapid follow-up and appropriate management of potentially hazardous blood lead levels is necessary to assure safe public health, and assists in development of programs to prevent future lead over-exposure.

(2) **Definitions.** For the purposes of this section, the following words and phrases have the following meanings:

(a) "Blood lead level" means a measurement of lead content in whole blood.

(b) "Reporting organization" means any medical laboratory which performs blood lead analysis at a site within the state of Washington; or any individual or organization which sends blood specimens to an out-of-state medical laboratory for lead testing, including in-state organizations which receive blood specimens from other in-state individuals or organizations, and then send those specimens to an out-of-state testing laboratory.

(c) "Testing laboratory" means a medical laboratory which performs a blood lead analysis.

**(3) Reporting of blood lead levels.**

(a) A reporting organization shall report all blood lead levels to the department of health, including those which are within normal limits. The department of health shall send a copy of any report with a blood lead level equal to or greater than 40 micrograms per deciliter in adults, or equal to or greater than 10 micrograms per deciliter in children less than 15 years of age, to the local health department serving the jurisdiction in which the tested person resides.

(b) An individual or organization which sends blood specimens to an out-of-state laboratory may fulfill its reporting obligation by arranging for the testing laboratory to submit adequate reports.

(c) Reports shall be made in a format approved by the department.

(d) For blood lead levels equal to or greater than 40 micrograms per deciliter for adults, or equal to or greater than 20 micrograms per deciliter in children less than 15 years of age, the department must be notified by telephone, fax or mail within seven calendar days of the date test was performed, or if the test was performed by an out-of-state laboratory the date when the test result was received. Telephone reports must be supplemented by a written report



PERMANENT

submitted no later than the fifth business day of the next month after the telephone contact. In event age of patient is not known, the reporting organization shall follow the reporting schedule for children less than 15 years of age.

(e) For blood lead levels equal to or greater than 20 micrograms per deciliter in adults, or equal to or greater than 10 micrograms per deciliter in children less than 15 years of age, a report shall be made to the department no later than the fifth business day of the next month after the month in which the test was performed, or if the test was performed by an out-of-state laboratory the month during which the test result was received. In the event age of patient is not known, the reporting organization shall follow the reporting schedule for children less than 15 years of age.

(f) Information to be reported to the Department for blood lead levels specified in parts (3)(d) and (3)(e) shall include the following:

- (i) Name of the person tested;
- (ii) Name of the reporting organization;
- (iii) Name of the testing laboratory;
- (iv) Date specimen received;
- (v) Blood lead level of person tested;
- (vi) Name of health care provider ordering test;
- (vii) Address or telephone number of health care provider ordering test, if available;
- (viii) Date of birth or the age of the person tested, if available;
- (ix) Sex of person tested, if available;
- (x) Race and ethnicity of person tested, if available;
- (xi) Whether blood specimen is venous or capillary, if available;

(xii) Free erythrocyte or zinc protoporphyrin or zinc protoporphyrin/heme ratio, if performed, when available;

(xiii) Address and occupation of the person tested, or if a child the parents' occupation, if available;

(xiv) Name, address and telephone number of the employer, or if a child the parents' employer, if available;

(g) For all other blood lead levels, the reporting organization must either report the information specified in (3)(f) or submit a monthly summary report by the fifth day of the next month. The monthly summary must be categorized by the number of tests performed on specimens for children less than 15 years of age, the number of tests performed for individuals 15 years of age or older and the number of tests performed where patient's age is unknown. In each category the number of tests must be sorted by one of the following geographic indicators: patient county of residence, or patient postal zip code of residence, or provider county of practice, or provider postal zip code of practice.

(4) **Responsibilities of Health Care Providers.** Upon request of a representative of the department of health or the department of labor and industries, a health care provider who has ordered a blood lead test shall provide the patient's address and telephone number to the department of health or the department of labor and industries, and when known the following information:

- (a) Circumstances of lead exposure;
- (b) Employer's name, address and telephone number, or, if a child, the same information on the employers of the parents;
- (c) Occupation of person tested, or, if a child, occupation of parents;

(d) Type of industry of employer of person tested, or, if a child, type of industry of the employers of the parents;

(e) Reason for drawing lead level.

**(5) Confidentiality.**

(a) The medical laboratory report and all patient information provided by the health care provider shall be maintained in a confidential manner as with other disease reports and are not subject to public disclosure in any form under which the patient may be identified.

(b) The department of labor and industries shall have full access to information collected pursuant to this section, for the purposes of research, analysis, and follow-up of blood lead levels.

(6) This rule shall apply to tests performed for blood specimens drawn between May 15, 1993 and May 14, 1996.

**WSR 93-10-046**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 29, 1993, 3:55 p.m.]

Date of Adoption: April 29, 1993.

Purpose: Rights of persons aggrieved by pesticide violations in chapter 16-10 WAC, to adopt into rule procedures for persons aggrieved of pesticide violations in order to work within the Administrative Procedure Act.

Statutory Authority for Adoption: RCW 17.21.310.

Pursuant to notice filed as WSR 93-06-076 on March 3, 1993.

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

April 29, 1993

Peter J. Goldmark  
 Director

**Chapter 16-10 WAC**  
**RIGHTS OF PERSONS AGGRIEVED PESTICIDE VIOLATIONS**

NEW SECTION

**WAC 16-10-010 Definitions.** The following definitions are applicable to sections of this chapter concerning rights of persons aggrieved by violations under chapter 17.21 RCW and rules adopted under chapter 17.21 RCW.

(1) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such violation.

(2) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(3) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

NEW SECTION

**WAC 16-10-020 Rights of complainants.** If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determining no action; the department will endeavor to provide notice concurrently with the department's service of such document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: *Provided*, That in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-10-030, if aggrieved, except that the complainant shall be provided, automatically without request, a copy of the final order referred to therein.

#### NEW SECTION

**WAC 16-10-030 Rights of person aggrieved.** A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department pursuant to an investigation under chapter 17.21 RCW; the department will provide notice concurrently with service of notice on the violator: *Provided*, That such person has made timely written application to the department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why said person believes the penalty decision is inappropriate, and shall serve such request on the violator.

(3) Upon reconsideration, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why the person believes the penalty decision is inappropriate, and shall serve such request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review thereon.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of

the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstating the rights of the alleged violator to seek further relief.

**WSR 93-10-047**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 29, 1993, 4:00 p.m.]

Date of Adoption: April 29, 1993.

Purpose: To adopt into rule a pesticide penalty assignment schedule to determine penalties for violations of the pesticide laws and rules.

Statutory Authority for Adoption: RCW 15.58.260 and 17.21.315.

Pursuant to notice filed as WSR 93-06-075 on March 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: Typographical error in Table A.

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

April 29, 1993  
Peter J. Goldmark  
Director

#### NEW SECTION

**WAC 16-228-905 Statement of purpose—Penalty assignment.** For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-910 through 16-228-930, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

#### NEW SECTION

**WAC 16-228-910 Definitions—Penalty assignment.** In addition to the definitions set forth in RCW 17.21.020, RCW 15.58.030, and WAC 16-228-010, the following shall apply to WAC 16-228-905 through 16-228-930:

(1) "Adverse effect(s)" means a possibility of pesticide exposure that could cause damage or injury to humans, animals, plants, or the environment.

(2) "Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.

(3) "Level of violation" means that the alleged violation is a first, second, third, fourth, fifth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation

or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) Fifth or more violation. This means the alleged violator committed at least four prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(4) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(5) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(6) "Unknowingly" means that the alleged violator did not act knowingly.

(7) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

#### NEW SECTION

**WAC 16-228-915 Calculation of penalty.** (1) Median penalty selection. In the disposition of administrative cases, the department shall determine the penalty by first determining the penalty assignment schedule table listed in either WAC 16-228-920 or 16-228-925 that is applied based on the type of violation alleged. The department shall then determine the penalty range based on the level of violation, adverse effect(s) at the time of the incident(s) giving rise to the violation, and the knowledge of the alleged violator. The median penalty is then selected as the penalty unless a proportionate adjustment is required and/or there are aggravating or mitigating factors as provided herein. The median penalty under Table A listed in WAC 16-228-920 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under Table B listed in WAC 16-228-925 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation. The median penalty under Table A and B may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty. The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action when circumstances in the particular case demonstrate the ineffectiveness of the licensing action as a deterrent including but not limited to violations by persons who are not licensed and violations by certified private applicator(s), or proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in the

particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

(3) Aggravating factors. The department may consider circumstances enhancing the seriousness of the violation, including, but not limited to, the following:

(a) Each separate additional incident of violation(s) alleged within a single notice of intent to have been committed by the alleged violator within the same calendar year.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) The similarity of the current alleged violation to previous violations that occurred within three years of the current alleged violation.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct by others which necessitates a greater deterrent factor.

(4) Mitigating factors. The department may consider circumstances reducing the seriousness of the violation including, but not limited to, the following:

(a) A voluntary disclosure of a violation by the alleged violator.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

NEW SECTION

WAC 16-228-920 Penalty assignment schedule—Table A.

WAC 16-228-920 Penalty Assignment Schedule—TABLE A

Pesticide use, application, disposal, licensing, distribution, recommendation, and label violations (See WAC 16-228-930 for other dispositions of alleged violations, including warning letters.)

Table with columns: LEVEL OF VIOLATION, ADVERSE EFFECT(S), UNKNOWNLY (MINIMUM, MEDIAN, MAXIMUM), KNOWINGLY (MINIMUM, MEDIAN, MAXIMUM). Rows include categories like 'First', 'Second', 'Third', 'Fourth', 'Fifth or More' with sub-categories 'a. Not probable' and 'b. Probable'.

NEW SECTION

WAC 16-228-925 Penalty assignment schedule—Table B.

WAC 16-228-925 Penalty Assignment Schedule—TABLE B Records, posting of storage for category one pesticides, removal of examination material, and impersonating state official other violations not listed in Table A (See WAC 16-228-930 for other dispositions of alleged violations, including warning letters.)

Table with columns: LEVEL OF VIOLATION, ADVERSE EFFECT(S), UNKNOWNLY (MINIMUM, MEDIAN, MAXIMUM), KNOWINGLY (MINIMUM, MEDIAN, MAXIMUM). Rows include categories like 'First', 'Second', 'Third', 'Fourth', 'Fifth or More' with sub-categories 'a. Not probable' and 'b. Probable'.

NEW SECTION

WAC 16-228-930 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
(2) Issuing a warning letter in lieu of pursuing administrative action.
(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-900 Penalties.

PERMANENT

**WSR 93-10-053**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**

[Order 599—Filed April 30, 1993, 9:55 a.m.]

Date of Adoption: April 16, 1993.

Purpose: Establish game fish season and catch limit for Coldwater Lake in Region 5.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-61933.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-022 on February 22, 1993.

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

April 28, 1993

Dean A. Lydig  
 Chair

**NEW SECTION**

**WAC 232-28-61933 1992-94 Washington game fish seasons and catch limits - Coldwater Lake (Cowlitz/Skamania co.).** Notwithstanding the provisions of WAC 232-28-619, effective July 15, 1993 the following game fish regulations apply to Coldwater Lake.

**COLDWATER LAKE:** All inlet streams and outlet streams CLOSED WATERS. Year around season. TROUT - catch limit - 1, min. lgth. 16". Selective fishery regulations, except electric motors allowed. NOTE: Limited access available, contact National Volcanic Monument Headquarters for specific information.

**WSR 93-10-054**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**

[Order 600—Filed April 30, 1993, 9:56 a.m.]

Date of Adoption: April 16, 1993.

Purpose: To correct Department of Wildlife's dates for Free Fishing Weekend from June 5-6, 1993, to corresponding dates for National Fishing Week.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-017 on February 22, 1993.

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

April 28, 1993

Dean A. Lydig  
 Chair

**AMENDATORY SECTION** (Amending Order 524, filed 12/16/91)

**WAC 232-12-619 1992-94 Washington game fish regulations.** These regulations are effective from April 16, 1992 to April 15, 1994, both dates inclusive.

Definitions.

Boat fishing: Fishing while in or on a boat, raft, or any other floating device.

Catch-and-release: A type of angling where none of the fish caught are retained by the angler.

Daily catch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily catch limit, whether kept or released. Steelhead may be caught and released while using bait until the daily catch limit is retained.

Fish in possession: Any fish retained, secure from escape, whether dead or alive.

In waters designated as "fly fishing only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters.

Mouth of stream, river, or slough: Those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

Maximum size limit: The longest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).

Minimum size limit: The shortest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).

Night closure: On those waters where night closures are specified, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

Possession limit: The maximum number of fish allowed to be retained in the field, in transit, in the home, and/or in a food-storage facility.

Selective fishery regulations: Only artificial flies or lures with a barbless single-pointed hook are allowed; bait is prohibited; fish may be released until the catch limit is retained. No one may fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

Slough: Any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

Wild cutthroat release: Only cutthroat trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.

Wild steelhead release: Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed scar in the location of the missing fin. It is unlawful to use a gaff hook to land steelhead in waters designated "wild steelhead release."

State-wide regulations.

Taking and possessing game fish.

It is unlawful to:

Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

Feed or use any substance to attract game fish unless specifically authorized by special regulations.

Fish for game fish with a bow and arrow or spear.

Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

Annual limit - steelhead trout only: Each angler who possesses a valid steelhead permit card may retain thirty steelhead over twenty inches in length per year (May 1 to April 30).

Exception for rehabilitated lakes.

Lakes have no size, catch, or possession limits on the day of their rehabilitation and for ten days following. Dip nets are allowed for the taking of fish during this period. All fishing license requirements apply.

Licenses - requirements.

When taking bullfrogs, a hunting or fishing license is required.

Free fishing weekends:

The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends (~~((June 6-7, 1992; June 5-6, 1993))~~) fishing licenses will not be required to fish for game fish, except steelhead trout. These free fishing days are valid for everyone, regardless of residency or age. All other regulations remain in effect. Only waters open to fishing may be fished; lure and/or bait restrictions and size and catch limits currently in place must be followed.

1992-94 license fees.

Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 93-10-055**  
PERMANENT RULES  
**WILDLIFE COMMISSION**  
[Order 601—Filed April 30, 1993, 9:59 a.m.]

Date of Adoption: April 16, 1993.

Purpose: To protect wild trout from harvest in the Spokane River and to maintain a harvest fishery for hatchery-reared trout planted upstream.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-61932.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-021 on February 22, 1993.

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

April 28, 1993

Dean A. Lydig  
Chair

NEW SECTION

**WAC 232-28-61932 1992-94 Washington game fish seasons and catch limits - Spokane River in Region 1.** Notwithstanding the provisions of WAC 232-28-619 and WAC 232-28-61925, the game fish seasons for the Spokane River from Seven Mile Bridge upstream to the Monroe Street Dam are as follows:

SPOKANE RIVER, from Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. TROUT - catch limit - 1. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective Fishery Regulations.

All other provisions of Spokane River regulations remain unchanged and in effect as provided in WAC 232-28-619 and WAC 232-28-61925.

**WSR 93-10-056**  
PERMANENT RULES  
**WILDLIFE COMMISSION**

[Order 602—Filed April 30, 1993, 10:02 a.m.]

Date of Adoption: April 16, 1993.

Purpose: Extend the emergency regulation that protects wild winter steelhead trout on the Green River.

Citation of Existing Rules Affected by this Order:  
Amending [new section] WAC 232-28-61935.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 93-06-057 on March 1, 1993.

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

April 28, 1993

Dean A. Lydig  
Chair

NEW SECTION

**WAC 232-28-61935 1992-94 Washington game fish seasons and catch limits - Green River (Region 4).** Notwithstanding the provisions of WAC 232-28-619, the game fish season for the Green River is as follows:

GREEN (DUWAMISH) RIVER: CLOSED to fishing for all game fish, March 1, 1993 - June 14, 1993.

All other provisions of the Green River regulations remain unchanged and in effect as provided in WAC 232-28-619.

**WSR 93-10-057**  
PERMANENT RULES  
**DEPARTMENT OF LICENSING**

[Filed April 30, 1993, 10:25 a.m., effective July 1, 1993]

Date of Adoption: April 29, 1993.

Purpose: Set fees necessary to produce sufficient revenue to offset the cost of regulating the engineering and land surveying professions.

Citation of Existing Rules Affected by this Order:  
Amending WAC 196-26-020 Engineer and land surveyor fees.

Statutory Authority for Adoption: RCW 43.24.086 and 43.24.140.

Pursuant to notice filed as WSR 93-07-111 on March 23, 1993.

Effective Date of Rule: Effective with those licenses expiring on or after July 1, 1993.

April 29, 1993  
Jon M. Clark  
Acting Assistant Director

**AMENDATORY SECTION** (Amending WSR 91-22-017, filed 10/28/91, effective 11/28/91)

**WAC 196-26-020 Engineer and land surveyor fees.** The following fees shall be charged by the professional licensing services division of the department of licensing:

Title of Fee	Fee
<b>Engineers:</b>	
Professional engineer application, examination, and certificate	\$ 100.00
Structural engineer application, examination, and certificate	175.00
Professional engineer examination retake	90.00
Structural exam retake	160.00
Comity	100.00
Replacement certificate	25.00
Exam (locally prepared) rescore	50.00
Renewal (per year)	((70.00))
	<u>56.00</u>
Late renewal penalty	((70.00))
	<u>56.00</u>
Duplicate license	15.00
Temporary permit	100.00
<b>Engineer in training:</b>	
Application, examination, and certificate	50.00
Examination retake	50.00
Replacement certificate	25.00
<b>Land surveyor:</b>	
Application, examination, and certificate	100.00
FLS examination retake	40.00
PPLS examination retake	60.00
Comity	100.00
Comity exam retake	60.00
PPLS exam rescore	50.00
Renewal (per year)	((70.00))
	<u>56.00</u>
Late renewal penalty	((70.00))
	<u>56.00</u>
Replacement certificate	25.00
Duplicate license	15.00
<b>Engineer corporation:</b>	
Certificate of authorization	300.00
Renewal	((175.00))
	<u>150.00</u>
Duplicate license	15.00
Replacement certificate	25.00
<b>Engineer partnership:</b>	
Certification of authorization	300.00
Renewal	((175.00))
	<u>150.00</u>
Replacement certificate	25.00
Duplicate license	15.00

**WSR 93-10-059**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed April 30, 1993, 2:17 p.m.]

Date of Adoption: April 9, 1993.

Purpose: Clearly define and give authority to delegate persons as presiding officers in brief and emergency adjudicative hearings; gives the department the authority to combine adjudicative proceeding with an emergency adjudicative proceeding; and clarifies the agency's discretion to consolidate adjudicative proceedings.

Citation of Existing Rules Affected by this Order: Amending WAC 16-08-021, 16-08-141, 16-08-151; and new section WAC 16-08-022.

Statutory Authority for Adoption: RCW 34.05.425.

Pursuant to notice filed as WSR 93-07-021 on March 8, 1993.

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

April 9, 1993

Peter J. Goldmark  
Director

**AMENDATORY SECTION** (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

**WAC 16-08-021 Presiding officer.** (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director;

(b) In matters involving ~~((a))~~ an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate ~~((an assistant director))~~ in writing staff persons to function as the presiding officer. ~~((In matters involving emergency adjudicative proceedings the director may designate an assistant director, the deputy director, or the deputy director's assistant as presiding officer.))~~

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

PERMANENT

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

#### NEW SECTION

##### **WAC 16-08-022 Consolidation of proceedings.**

Without affecting the department's discretion to otherwise consolidate adjudicative proceedings, the department may consolidate an emergency adjudicative proceeding with an adjudicative proceeding on the merits.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

##### **WAC 16-08-141 Brief adjudicative proceedings.** (1)

Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Actions taken by the agency based on the failure:

(i) To maintain, supply, or display records; and/or

(ii) To display evidence of a license; and/or

(iii) To display or post information required by law; and/or

(iv) To possess required insurance, bonding or other security.

(b) Actions taken with respect to late application renewal fees.

(c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.

(d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.

(e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.

(f) Penalty actions taken with respect to cattle breed name use.

(g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.

(h) Dairy degrade or permit suspension actions taken pursuant to ~~((RCW 15.36.595))~~ chapter 15.36 RCW.

(i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.

(j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036(=).

(k) Actions taken with respect to pesticide registration under RCW 15.58.110.

(l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.

(m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.

(n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.

(o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.

(p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.

(q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.

(r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.

(s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.

(t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.

(u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.250.

(v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.

(w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.

(x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.

(y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW.

(aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.

(bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).

(cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.

(2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.



(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

**AMENDATORY SECTION** (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

**WAC 16-08-151 Emergency adjudicative proceedings.** (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to condemn horticultural plants under chapter 15.13 RCW; or to condemn infested or infected articles under chapter 15.08 RCW; or to issue stop sale, use, or removal order under chapter 15.49 RCW; or to quarantine apiaries under chapter 15.60 RCW; or to ~~(condemn or)~~ impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; or to close food processing facilities under chapter 69.07 RCW; or under rules or regulations of the director adopted pursuant to such laws.

(2) The summary order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also give the affected

party forty-eight hours from receipt of the order to request an adjudicative proceeding on the order, or, in the alternative, the director may in the order automatically establish a date affording the affected party the opportunity to present any defense concerning why the summary order is incorrect.

(3) A decision made upon the emergency adjudicative proceeding shall be expressed in a written order which shall be served on all parties within five days after its entry. This written order is a final order.

(4) The summary order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

### WSR 93-10-062

#### PERMANENT RULES

#### DEPARTMENT OF ECOLOGY

[Order 91-46—Filed May 3, 1993, 11:02 a.m.]

Date of Adoption: May 3, 1993.

Purpose: To reduce air quality impacts from gasoline and diesel motor vehicles in urban areas.

Citation of Existing Rules Affected by this Order: Amending chapter 173-422 WAC, Motor vehicle emission inspection.

Statutory Authority for Adoption: Chapter 70.120 RCW.

Pursuant to notice filed as WSR 93-03-092 on January 20, 1993.

Changes Other than Editing from Proposed to Adopted Version: Revised definition of primary emission control components, diesel vehicle inspection procedure, and exhaust opacity testing equipment specifications.

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

May 3, 1993

Mary Riveland

Director

**AMENDATORY SECTION** (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

**WAC 173-422-010 Purpose.** This chapter implements the Washington Clean Air Act, chapter 70.94 RCW, as supplemented by the motor vehicle emission inspection provisions codified as chapter 70.120 RCW.

Gasoline motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Diesel motor vehicles are emitters primarily of particulates, hydrocarbons, and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and vehicles with tampered or missing emission controls and to reduce their emissions, when such reduction can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated activities necessary to implement a program of air pollution prevention and control ~~((involving))~~ resulting from motor vehicle emission inspections.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-020 Definitions.** Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Accuracy" means the degree of correctness by which the true value of a measured sample is determined.

(2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.

(3) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that all of the following conditions have been met: The recipient's vehicle initially failed ~~((to comply with applicable))~~ the emission ((standards)) inspection, the recipient has provided original receipts proving that more than ~~((fifty))~~ one hundred dollars or one hundred fifty dollars on a 1981 or later model motor vehicle were spent after the first ~~((test))~~ inspection and before the final ~~((test))~~ inspection on repairs performed by a "certified emission specialist" solely to ~~((meet))~~ reduce emissions ((standards)), the vehicle on final reinspection again failed to meet such standards, and the repair information section of the test report has been completed and the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

(4) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

(5) "Certified emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).

(6) "Dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(7) "Department" means the department of ecology.

(8) "Drift" means the change in the reading of the analyzer to a given sample over a period of time with no adjustment to the analyzer having been made between the initial and final measurements.

(9) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area. (The inspection program implemented by this chapter applies only to vehicles registered in emission contributing areas.)

(10) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

(11) "Fleet" means a group of ~~((twenty-five))~~ fifteen or more motor vehicles owned or leased concurrently by one ~~((person:~~

~~((12))~~ "Gaseous fuel" means liquefied petroleum gases and natural gases in liquefied or gaseous forms)) owner assigned a fleet identifier code by the department of licensing.

~~((13))~~ (12) "Gross vehicle weight ((GVW)) rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

~~((14))~~ (13) "HC and CO emissions" means the concentration of hydrocarbons (measured as n-hexane) and carbon monoxide in the engine exhaust.

~~((15))~~ (14) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

~~((16))~~ (15) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

~~((17))~~ (16) "NBS" means National Bureau of Standards.

~~((18))~~ (17) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

~~((19))~~ (18) "PPM" means parts per million by volume.

(19) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are the fuel inlet restrictor, the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors.

(20) "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.

(21) "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(22) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(23) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.

**AMENDATORY SECTION** (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

**WAC 173-422-030 Vehicle emission inspection requirement.** All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. Neither the department of licensing nor its agents may change the

registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within ~~((ninety days))~~ six months of the date of application for the vehicle license ~~((or))~~ license renewal or registered owner change. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-035 Registration requirements.** (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area ~~((, unless business reasons require registration outside of the area))~~.

(2) Any person who violates this section is subject to a civil penalty not to exceed ~~((one))~~ two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-040 Noncompliance areas.** The following areas are designated noncompliance areas for the air contaminants specified: Carbon monoxide

- (1) The city of Seattle.
- (2) The city of Bellevue.
- (3) The city of Spokane.
- (4) The city of Tacoma.
- (5) The city of Vancouver.
- (6) ~~((The city of Yakima.~~
- ~~((7)))~~ The city of Everett.

AMENDATORY SECTION (Amending Order DE 84-7, filed 4/18/84)

**WAC 173-422-050 Emission contributing areas.** Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of ~~((the effective dates))~~ January 1, 1992, set forth below:

- (1) Puget Sound Region ~~((effective January 1, 1982))~~

98004	98039
98005	98040
98006	98041
98007	98043
98008	98046
98009	98052
98011	98053
98012	98055
98020	98056

98021	98057	
98027	98062	
98028	98063	
98033	98072	
98034	98073	
98036	98083	
98037	98101 thru 98199, inclusive except 98110))	
98001	98035	98072
98002	98036	98073
98003	98037	98083
98004	98038	98101 thru 98199, inclusive except 98110
98005	98039	98201 thru 98208
98006	98040	98201 thru 98208
98007	98041	98258
98008	98042	98270
98009	98043	98271
98011	98046	98275
98012	98047	98290
98020	98052	98327
98021	98053	98332
98023	98054	98335
98025	98055	98338
98026	98056	98344
98027	98057	98352
98028	98058	98354
98031	98059	98371 thru 98374
98032	98062	98387
98033	98063	98388
98034	98064	98390
	98071	98401 thru 98499

- (2) Spokane Region ~~((effective July 1, 1985))~~

99001	99202
99005	99203
99014	99204
99016	99205
99019	99206
99021	99207
99025	99208
99027	99212
99037	99216
99201	99218

- (3) Vancouver Region

98607
98660 thru 98668
98671
98682-86

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-060 Gasoline vehicle emission standards.** Gasoline motor vehicles subject to this chapter shall:

- (1) Beginning June 1, 1995, with the exception of vehicles whose model year is 1980 or earlier, have the "primary emission control components" installed and operative, and have an engine that is or was available from the vehicle manufacturer for use with that vehicle or a vehicle of the same or newer model year with the same chassis; and

PERMANENT

(2) Meet the following exhaust emission standards prior to receiving a certificate of compliance.

exhaust emission standards

<u>Model Year</u>	<u>CO(%)</u>	<u>HC (ppm)</u>	<u>Opacity (%)</u>
68-74	6.0	<del>((1000))</del> <u>900</u>	<u>30</u>
<del>((75 and later))</del> <u>75-80</u>	3.0	600	<u>30</u>
<u>81-93 (0-8500 GVWR)</u>	<u>1.2</u>	<u>220</u>	<u>30</u>
<u>81-93 (Greater than 8500 GVWR)</u>	<u>3.0</u>	<u>400</u>	<u>30</u>
<u>94-99</u>	<u>0.5</u>	<u>100</u>	<u>30</u>

~~((Except 1981 and later model vehicles manufactured with a catalytic converter the standards are:~~

~~1.2 — 220))~~

NEW SECTION

**WAC 173-422-065 Diesel vehicle exhaust emission standards.** Diesel motor vehicles subject to this chapter shall meet the following opacity standards using the test procedures specified in WAC 173-422-075.

<u>Model Year</u>	<u>Opacity (%)</u>
1968 - 1973	70
1974 - 1991	60
1992 and later	40

Vehicles tested at locations over 1000 feet above sea level will be allowed an additional 10% opacity

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-070 ((Test)) Gasoline vehicle inspection procedures.** All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following ~~((test))~~ procedures. Variations to the procedures specified may be ~~((used if approved))~~ established by the department ~~((after receipt of evidence that such changes will not interfere with the validity of the test))~~ for all or certain vehicles.

(1) The vehicle exhaust emissions of carbon monoxide, hydrocarbons, and carbon dioxide shall be measured using either a two-speed (idle and 2500 rpm) test with the transmission in neutral or park ((shall be used to measure vehicle exhaust emissions for carbon monoxide, hydrocarbons, and carbon dioxide)) or a loaded test with the transmission in drive or in third gear unless the engine speed does not equal or exceed 2500 rpm then second gear shall be used for the loaded mode and in park or neutral for the idle mode. A vehicle with an automatic transmission may be tested in drive for the idle ((test)) mode if the idle rpm in neutral or park exceeds ((+200)) 1100 rpm. However, the idle rpm as tested cannot exceed ((+200)) 1100 rpm unless allowed to do so by the vehicle manufacturer's specifications.

(2) The engine shall be at normal operating temperature during the emission test with all accessories off.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe shall be tested by sampling ~~((each tail))~~ one exhaust pipe ((and averaging the results, unless)) if the exhaust pipes originate from a common point in the exhaust system ~~((— Simultaneous))~~ or simultaneously sampling ((from multiple)) each exhaust pipe ((s may also be used)).

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the sum of the carbon monoxide and the carbon dioxide concentration does not ((meet)) equal or exceed ((five)) six percent.

(7) If the engine stalls during the test, the exhaust sample probe shall be removed, the engine ((shall be)) restarted, and one additional attempt ((will be)) made to complete the test after reinserting the exhaust sample probe.

(8) ~~((If a vehicle is capable of being operated with either gasoline or gaseous fuels, the vehicle shall be tested using the fuel it is operating on when it enters the testing facility.~~

~~((9) If a multiple range analyzer is used, the exhaust analyzer range shall be selected so that the standard for the vehicles being tested is between twenty five percent and seventy five percent of full scale, if possible.))~~ Two speed test sequence.

(a) Insert the exhaust sample probe.

(b) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) The vehicle shall pass the idle mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the idle mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(c) Increase the engine speed to 2500 ± 300 rpm.

(d) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass or fail determination shall be made for the vehicle and the 2500 rpm mode terminated for vehicles that passed the idle mode test as follows:

(i) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and one hundred eighty seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(e) A pass or fail determination shall be made for vehicles that failed the idle mode test and the 2500 rpm mode test terminated at the end of an elapsed time of one hundred eighty seconds.

PERMANENT

(f) If the vehicle fails the initial idle mode test and passed the high-speed mode test, a second idle test will be conducted.

(9) Loaded test sequence.

(a) Insert the exhaust sample probe.

(b) The test shall start when the dynamometer speed is within the following limits:

<u>engine cylinders</u>	<u>speed (mph)</u>	<u>brake horsepower</u>
<u>4 or less</u>	<u>22-25</u>	<u>2.8-4.1</u>
<u>5-6</u>	<u>29-32</u>	<u>6.8-8.4</u>
<u>7 or more</u>	<u>32-35</u>	<u>8.4-10.8</u>

If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or fifteen seconds over all excursions, the test shall be restarted.

(c) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the loaded mode and this mode terminated if at any point between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(d) The idle mode shall start when the dynamometer speed is zero and the vehicle engine speed is less than 1100 rpm. If engine speed exceeds 1100 rpm the idle mode test shall be restarted.

(e) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) Prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) At any time between an elapsed time of thirty seconds and ninety seconds, exhaust gas concentrations are less than or equal to the applicable emission standards.

(10) Before ~~((testing a 1981 and later))~~ failing a 1981-1986 model year Ford Motor Company vehicle with a gross vehicle weight of 8500 pounds or less, or a 1984-85 model year Honda Prelude, the engine shall be ~~((turned))~~ shut off for ten seconds and then restarted and the failing mode repeated.

~~(((11) Increase the engine speed to 2500 ± 300 rpm.~~

~~(12) Insert the probe into the tailpipe. After at least thirty seconds record the exhaust emissions averaged over the last five seconds.~~

~~(13) Slowly reduce the engine speed to idle (less than 1200 rpm). After at least thirty seconds or when the readings have stabilized at a level meeting the emission standards record the exhaust emissions averaged over the last five seconds.~~

~~(14) When readings from multiple exhaust pipes are averaged, steps 10, 11, 12, and 13 shall be repeated for all exhaust pipes.))~~

**NEW SECTION**

**WAC 173-422-075 Diesel vehicle inspection procedure.** Diesel vehicles shall be tested using the following procedure:

(1) With the transmission in neutral, move the accelerator pedal from normal idle as rapidly as possible to the full power position, and hold in this position for a minimum of three seconds but not more than five seconds unless the

engine exceeds the maximum speed allowed by the vehicle manufacturer, as indicated by the vehicle's tachometer or exhibits unstable operation when held against the speed governor then the accelerator pedal shall be immediately released.

(2) Fully release the accelerator pedal so the engine decelerates to normal idle.

(3) Measure the smoke opacity with an opacity meter which meets the requirements specified in WAC 173-422-095 continuously during the test.

(4) Record the opacity reading two seconds after the opacity reading initially reaches 10 percent.

(5) Repeat the previous steps ten times or until three successive opacity measurements are equal to or less than the standard established in WAC 173-422-065.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-090 Exhaust gas analyzer specifications.** Only exhaust gas analyzers meeting the following specifications at the time of certification testing may be used for certification testing. Any person authorized by the department to certify vehicles is solely responsible for insuring that the testing equipment is operating within the following specifications at the time of certification testing.

(1) Accuracy: The readings or the printed test results of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

~~((HC - Measured as n - hexane~~

<del>200 to 220 ppm</del>	<del>±15 ppm</del>
<del>0 to 1000 ppm</del>	<del>±30 ppm</del>
<del>1000 to 2000 ppm</del>	<del>±100 ppm</del>
<del>CO</del>	
<del>1.0 to 1.2%</del>	<del>±0.1%</del>
<del>0 to 5%</del>	<del>±0.2%</del>
<del>5 to 10%</del>	<del>±0.5%</del>
<del>CO<sub>2</sub></del>	
<del>4 to 6%</del>	<del>±1%</del>

~~HC - Measured as n - hexane~~

<del>0 to 400 ppm</del>	<del>±12 ppm</del>
<del>401 to 1000 ppm</del>	<del>±30 ppm</del>
<del>1001 to 2000 ppm</del>	<del>±80 ppm</del>

~~CO~~

<del>0 - 2.00</del>	<del>±0.06</del>
<del>2.01 - 5.00</del>	<del>±0.15</del>
<del>5.01 - 9.99</del>	<del>±0.40</del>
<del>CO<sub>2</sub></del>	
<del>0 - 4.0</del>	<del>±0.6</del>
<del>4.1 - 14.0</del>	<del>±0.5</del>

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed 15 ppm HC, 0.1% CO or 0.5% CO<sub>2</sub> in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual

and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change  $\pm 10$  ppm: 15% CO<sub>2</sub> in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change  $\pm 0.05\%$ : 15% CO<sub>2</sub> in N<sub>2</sub>, 1600 ppm HC in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO<sub>2</sub> reading to change ( ~~$\pm 0.5\%$~~ )  $\pm 0.20\%$ : 1600 ppm HC in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within (~~10 ppm HC, 0.05% CO and 0.2% CO<sub>2</sub>~~) the following tolerances during five successive measurements of the same sample(~~(-)~~):

<u>HC, ppm</u>	<u>0</u>	<u>- 400</u>	<u>8</u>
<u>as hexane</u>	<u>401</u>	<u>-1000</u>	<u>15</u>
	<u>1001</u>	<u>-2000</u>	<u>30</u>
<u>CO, %</u>	<u>0</u>	<u>-2.00</u>	<u>0.03</u>
	<u>2.01</u>	<u>-5.00</u>	<u>0.08</u>
	<u>5.01</u>	<u>-9.99</u>	<u>0.15</u>
<u>CO<sub>2</sub>, %</u>	<u>0</u>	<u>-14.0</u>	<u>0.3</u>

(7) Response: The response of the exhaust analyzers shall be at least (~~ninety-five~~) ninety percent of the final value within (~~fifteen~~) eight seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be equal to or less than 10 ppm HC, 0.05% CO and 0.2% CO<sub>2</sub>.

(9) Range of measurement: The analyzer shall have a range equal to or greater than 0-2000 ppm HC (n-Hexane), 0 to 10% CO, and 0 to 6% CO<sub>2</sub>.

NEW SECTION

**WAC 173-422-095 Exhaust opacity testing equipment.** The exhaust opacity measurement shall be conducted using an opacity meter approved by the department.

The opacity meter shall:

- (1) Automatically calibrates itself before each test.
- (2) Provide for continuous measurement of exhaust opacity unaffected by rain or wind.
- (3) Have an accuracy of plus or minus one opacity percent digit.
- (4) Have a reading linearity of one opacity percent digit from 0-100 percent opacity.
- (5) Have a drift of less than plus or minus one percent per use.
- (6) Have a response time of less than 0.140 seconds for a change from 0-95 percent of full scale.
- (7) Have a warm-up time of less than one minute.
- (8) Have an operating temperature range from 32 to 120 degrees Fahrenheit.
- (9) Automatically read the opacity two seconds after the opacity initially reaches 10 percent.

AMENDATORY SECTION (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-100 Testing equipment maintenance and calibration.** (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The following procedures shall be followed by all testing facilities unless equivalent procedures have been approved by the department. Exhaust analyzers and all electronic components that could affect the gas concentration results shall be warmed up for at least thirty minutes prior to performing any test on equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the zero and span setting must be checked on the opacity meter and the exhaust gas analyzer readings must be less than 10 ppm HC, 0.1% CO and 0.5% CO<sub>2</sub>. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

- (i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.
- (ii) Adjust the exhaust analyzer using the electronic span.
- (iii) Check the calibration of the exhaust analyzer using a calibration gas of approximately twenty to forty percent of each range.
- (iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(c) Weekly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last seven days. The following procedure shall be used:

- (i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.
- (ii) Adjust the exhaust analyzer using the electronic span.
- (iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range. (CO<sub>2</sub> must be present at concentrations of at least 2.0%.)
- (iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.
- (v) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 1.2 to 2.4%, a HC concentration of 150 to 300 ppm measured as n-hexane, and a CO<sub>2</sub> concentration of 4.0 to 6.0%.

(vi) Adjust and repair as necessary to insure the accuracy of the exhaust analyzer is within .05% CO and 6 ppm HC.

(d) Repair check. A multipoint calibration as specified in (c) of this subsection shall be performed before the analyzer is used for certification testing following the

PERMANENT

replacement of an optical or electronic component that can cause a variation in the analyzer reading.

The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.

(e) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. Other leak check procedures may be used if it can be shown to the department's satisfaction that the method identifies leaks as well as the method in this subsection.

**AMENDATORY SECTION** (Amending Order DE 83-31, filed 11/23/83, effective 1/2/84)

**WAC 173-422-120 Quality assurance.** The department, or its designee, ~~((will))~~ may monitor the operation of each authorized emission ~~((testing))~~ inspection facility with unidentified or unannounced((:)) and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

~~((Vehicle inspection reports and fiscal reports submitted by inspection station operators will be checked for completeness and accuracy. The department or its designee shall have the right to audit contractor's and subcontractor's records.~~

~~The department (or its designee) may conduct unidentified surveillance.)~~

The department (or its designee) may immediately require ~~((that the use of an exhaust analyzer be suspended due to a malfunction or incorrect calibration of the analyzer))~~ the suspension of vehicle inspections in all or part by the inspection facility if violations of this chapter are found during an inspection of the inspection facility.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-130 Inspection fees.** At an inspection facility operated under contract to the state, the fee for the first emission ((test)) inspection on each vehicle applicable to a vehicle license year shall be sixteen dollars. If the vehicle fails, one ((retest)) reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the ((retest)) reinspection is applicable to the same vehicle license year. Any additional ((retests)) reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of sixteen dollars.

Inspection station operators shall forward to the state treasurer within ten working days, the amount of fees due to the state for inspections conducted during the previous month.

The department or its designee shall have the right to audit any inspection station operator's or contractor's records and procedures to substantiate that the operator or contractor is properly collecting and accounting for such fees.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-140 Inspection forms and certificates.** All inspection ~~((stations))~~ facilities shall use inspection forms and certificates provided or approved by the department. ~~((Additional information or materials may be provided to the vehicle operator only if approved by the department.))~~

(1) Vehicle inspection report: The driver of each vehicle ~~((tested))~~ inspected shall be given a vehicle inspection report on a form to be provided or approved by the department. The inspection station operator shall record the following information.

- (a) Station number (lane number).
- (b) Date and time of test.
- (c) Who conducted the test (name or identification number).
- (d) Vehicle identification number (VIN).
- (e) Odometer reading in thousands of miles.
- (f) Vehicle license number.
- (g) Vehicle model year.
- (h) Make of the vehicle.
- (i) ~~((Whether or not the vehicle was manufactured with a catalytic converter. (1981 and later model vehicles only))~~
- (j) Manufacturer's gross vehicle weight ((class)) rating (GVWR).

- ~~((k))~~ (j) Emission test results.
- ~~((l))~~ (k) Applicable standards.
- ~~((m))~~ (l) Whether the vehicle has passed or failed the appropriate emission standards.

~~((n))~~ (m) What component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement is missing or inoperative. (Gasoline vehicles only.)

(n) The engine speed while the emission readings were taken. (Gasoline vehicles only.)

(o) Carbon dioxide reading. (Gasoline vehicles only.)

(p) First ~~((test))~~ inspection or ~~((retest))~~ reinspection.

(q) If available at ~~((a retest))~~ reinspection the identification number of an ecology ~~((authorized))~~ "certified emission specialist" who repaired the vehicle following the first ~~((test))~~ inspection.

(2) Certificate of compliance: The driver of a vehicle meeting the appropriate ~~((emission))~~ inspection standards shall be issued a certificate of compliance.

(3) Certificate of acceptance: If a vehicle has failed to pass the emission ~~((test applicable to any vehicle license year))~~ inspection, the vehicle owner may request a certificate of acceptance, if the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative. To receive the certificate of acceptance the vehicle owner must provide original receipts totalling at least ~~((fifty))~~ one hundred dollars, for 1980 and earlier model year vehicles or at least one hundred fifty dollars for 1981 and later model year vehicles, dated on or between the date of the first test and the final retest, for costs of repairs performed by a "certified emission specialist" solely devoted to meeting the emission standards.

(4) Form storage: Copies of each certificate of compliance/ acceptance, and all vehicle inspection reports shall be



kept on file by the contractor and be available for the department's review for ~~((one))~~ two years after they are issued. This requirement includes forms that are voided for any reason.

(5) Reporting: The inspection station operator shall forward to the department within ten working days after the end of each month (a) an approved storage device containing all data collected from each inspection conducted that month, and (b) a copy of all certificates of acceptance issued that month along with the related vehicle inspection reports and repair and/or parts receipts.

Before the storage device is forwarded to the department, a backup bulk storage device shall be in the possession of the contractor. The backup bulk storage device shall be retained for ~~((one))~~ two years and be available to the department upon request.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-160 Fleet and ~~((government))~~ diesel owner vehicle testing requirements. ~~((Self-inspection of vehicles by a fleet or government agency operator may be authorized by the department.))~~ The department may ~~((also))~~ authorize emission inspections ~~((ef))~~ by fleet ~~((vehicles))~~ operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles ~~((within the fleet or fleets requesting such authorization. Any person or facility conducting fleet tests under authorization of this section must meet all requirements of this section))~~ or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.**

(1) The exhaust analyzers used for certification testing of gasoline fleet vehicles shall meet the specifications in WAC 173-422-090 ~~((except for those that pertain to CO<sub>2</sub>. (CO<sub>2</sub> does not need to be measured.))~~.

(2) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except WAC ~~((173-422-080,))~~ 173-422-100 (2)(b)(iii) and (iv) and (c)(iii) and (iv) ~~((173-422-110, 173-422-130, 173-422-140, and 173-422-150)).~~ The checks specified in WAC 173-422-100 (2)(c) except (c)(iii) and (iv), in addition to being required weekly, shall be performed after each relocation of the analyzer.

(3) All persons conducting tests for the purpose of issuing certificates for fleet ~~((s))~~ or diesel vehicles shall be ecology certified emission specialists.

(4) ~~((The department will provide test forms upon request.))~~ Legibly completed forms ~~((with appropriate signature(s)))~~ will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and/or storing this information using automated data storage devices

may be approved or required by the department ~~((after one year's notice)).~~

Forms must be purchased from the department in advance of issuance through payment of sixteen dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

(5) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

(6) Fleet vehicles may be inspected any time between their scheduled license renewals.

(7) Certificates of acceptance may not be issued under this section.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-170 Exemptions.** The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year is 1967 or earlier.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motor-driven cycles as defined by RCW 46.04.332.

(6) Until June 1, 1993, motor vehicles powered by diesel engines or two-cycle engines.

(7) Farm vehicles as defined by RCW 46.04.181.

(8) Vehicles exempted from licensing pursuant to RCW 46.16.010.

(9) Mopeds as defined by RCW 46.04.304.

(10) Vehicles garaged and operated out of the emission contributing area.

(11) Vehicles registered with the state but not for highway use.

(12) Used vehicles whose licenses have expired or will expire within thirty days when sold by a Washington licensed motor vehicle dealer.

(13) Motor vehicles fueled ~~((exclusively))~~ by propane, compressed natural gas, or liquid petroleum gas and so recognized by the department of licensing.

(14) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles alternative standards and/or inspection procedures may be established.



**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 173-422-080	Vehicle inspection data handling procedures.
WAC 173-422-110	Data system requirements.
WAC 173-422-150	Inspection personnel requirements.
WAC 173-422-180	Air quality standards.

**WSR 93-10-063****PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 3, 1993, 11:25 a.m.]

Date of Adoption: April 30, 1993.

Purpose: To provide for board members or their agents to participate in proceedings concerning the regulation of agricultural chemicals affecting strawberries, and to provide for expansion of the affected area to the entire state. Also correct a typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-010 and 16-555-020.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Pursuant to notice filed as WSR 93-04-094 on February 2, 1993.

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

April 30, 1993

Peter J. Goldmark

Director

**AMENDATORY SECTION** (Amending Order 2038, filed 5/3/90, effective 6/3/90)

**WAC 16-555-010 Definition of terms.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in ~~((that portion of))~~ the state of Washington ~~((located west of the summit of the Cascade Mountains))~~, for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he/she ~~((produces and a handler with respect to the strawberries which he/she))~~ produces and a handler with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means ~~((that portion of))~~ the state of Washington ~~((located west of the summit of the Cascade Mountains))~~.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

**AMENDATORY SECTION** (Amending WSR 92-12-006, filed 5/21/92, effective 6/21/92)

**WAC 16-555-020 Strawberry commodity board.** (1) **Administration.** The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

**(2) Board membership.**

(a) The board shall consist of ~~((six))~~ seven members. ~~((Five))~~ Six members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be ~~((that portion of))~~ the state of Washington ~~((located west of the summit of the Cascade Mountains))~~, and shall be divided into ~~((three))~~ four representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall

be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

**(4) Term of office.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((five))~~ six and the member appointed by the director, position ~~((six))~~ seven.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

**(5) Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

**(6) Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected

producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of the board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

**(11) Procedures for board.**

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

**WSR 93-10-067  
PERMANENT RULES  
DEPARTMENT OF  
SERVICES FOR THE BLIND**

[Filed May 3, 1993, 2:24 p.m.]

Date of Adoption: May 3, 1993.

Purpose: To completely delete any reference of "challenge test licensee" section from WAC. Was inadvertently

omitted from repealers of WAC 67-35-056 filed on February 25, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 67-35-030.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Pursuant to notice filed as WSR 93-07-117 on March 24, 1993.

Changes Other than Editing from Proposed to Adopted Version: In WAC 67-35-030 Terms defined, deleted subsection (5) and renumbered rest of paragraphs.

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

May 3, 1993

Bonnie Jindra

Assistant Director

AMENDATORY SECTION (Amending WSR 92-10-024, filed 4/29/92, effective 5/30/92)

**WAC 67-35-030 Terms defined.** The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

~~(5) ("Challenge test licensee" means a person who has prior work experience and/or training in food service and food service management and who takes the challenge test and is licensed by the department to operate a vending facility in the vending facility program.~~

~~(6))~~ "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

~~((7))~~ ~~(6)~~ "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

~~((8))~~ ~~(7)~~ "Department" means the Washington department of services for the blind.

~~((9))~~ ~~(8)~~ "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

~~((14))~~ (9) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

~~((14))~~ (10) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

~~((14))~~ (11) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

~~((14))~~ (12) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

~~((14))~~ (13) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

~~((14))~~ (14) "Other property" means property which is not federal property.

~~((14))~~ (15) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

~~((14))~~ (16) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: *Provided*, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

~~((14))~~ (17) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

~~((14))~~ (18) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).

~~((20))~~ (19) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and

tables for seating. Vending machines may be part of a cafeteria.

(b) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

(c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

~~((21))~~ (20) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

~~((22))~~ (21) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.

~~((23))~~ (22) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.

**WSR 93-10-070**  
**PERMANENT RULES**  
**LIQUOR CONTROL BOARD**  
[Filed May 3, 1993, 3:23 p.m.]

Date of Adoption: April 28, 1993.

Purpose: The purpose of WAC 314-12-140 is to specify that anything sold to a retail licensee by a wholesaler or manufacturer or importer must be at a price not less than the cost of acquisition; WAC 314-12-025 removes some of the restrictiver or confusing language on temporary permits and

specifies under what circumstances the permits may be issued; WAC 314-20-030 removes the limitation that the board's discretionary authority on allowing size exceptions for beer packages applies only to out-of-state products; and WAC 314-16-020 removes the restriction that openers cannot bear the brand name or manufacturer's name and allows for corkscrews to be included as acceptable items that may be given or sold by manufacturers or wholesalers.

Citation of Existing Rules Affected by this Order: Amending WAC 314-12-140, 314-12-025, 314-16-020, and 314-20-030.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 93-07-110 on March 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: In original filing, WAC 314-16-030 and 314-12-020 were scheduled for amendments. The board withdrew the proposed changes to these two rules as they appeared in WSR 93-07-110. All other proposed changes were adopted according to the notice.

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

May 3, 1993

Paula O'Connor  
Chairman

**AMENDATORY SECTION** (Amending WSR 92-02-014, filed 12/23/91, effective 1/23/92)

**WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.** (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or ~~(any)~~ employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be ~~((in conformity with the open market price in the locality where sold))~~ not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the

total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

**AMENDATORY SECTION** (Amending Order 226, Resolution No. 235, filed 7/23/87)

**WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies.** ~~((Any))~~ A person who has submitted a transfer application for a retail or wholesale liquor license in accordance with RCW 66.24.010 and WAC 314-12-070, and who has demonstrated to the satisfaction of the board that an emergency situation exists, or who submits all initially required documents which appear to be complete and signed, may apply for, and be issued, a temporary license to be effective immediately upon issuance under the following conditions:

(1) A fee of fifty dollars shall be submitted with the application for a temporary license.

(2) For the purposes of this section "emergency situation" shall include death or incapacity of the seller, foreclosure, divorce, or other situation which requires the buyer to assume control of the business before the application can be fully processed and approved.

(3) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

~~((3))~~ (4) For the purposes of this section, "wholesale liquor license" shall include all classes of liquor licenses held in conjunction with those wholesale licenses authorized by RCW 66.24.200 and 66.24.250.

~~((4))~~ (5) The privilege of having a temporary license issued upon an application for a transfer of license does not apply to breweries or wineries, even though these licensees have limited wholesale and retail privileges under their manufacturers' licenses.

**AMENDATORY SECTION** (Amending Order 233, Resolution No. 242, filed 10/27/87)

**WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.** (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler ~~((: Provided, That said openers do not bear any brand name or the name of any beer manufacturer or wholesaler or liquor advertising of any kind))~~.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine wholesaler.

**AMENDATORY SECTION** (Amending Order 278, Resolution No. 287, filed 2/23/89)

**WAC 314-20-030 Packages—Classification.** (1) No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

(a) If less than 1 pint, in fluid ounces, or fractions of a pint;

(b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;

(c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75 gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: *Provided, however,* That the board may, in its discretion, authorize ~~((the importation and sale for use in the state of Washington of beer in))~~ other container and/or barrel

size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: *Provided further*, That the board may, in its discretion, authorize a brewery with Class H privileges to dispense beer directly from conditioning tanks/vessels to the Class H area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW 66.24.290 and provided written approval by the board has been obtained.

**WSR 93-10-092**  
**PERMANENT RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed May 4, 1993, 3:50 p.m.]

Date of Adoption: April 14, 1993, for WAC 314-12-030, 314-16-190 and 314-16-196; and April 21, 1993, for WAC 314-20-070.

Purpose: The purpose of WAC 314-12-030 is to further determine true party or parties of interest or net profits and further explain what ownerships are required on liquor licenses; the purpose of WAC 314-16-190 is to further define and clarify what constitutes a class H restaurant, establish reporting procedures for sales requirements, specify hours of business, provide for excluding cover charges except for specific events and specify what is to be considered food items; the purpose of WAC 314-16-196 is to clarify how much of a business must be maintained for the service of food in order to retain a class H liquor license; and the purpose of WAC 314-20-070 is to further establish criteria when a retail licensee may ask for a claim adjustment when beer is considered unsalable.

Citation of Existing Rules Affected by this Order: Amending WAC 314-12-030, 314-16-190, 314-16-196, and 314-20-070.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 93-06-066 on March 1, 1993.

Changes Other than Editing from Proposed to Adopted Version: To WAC 314-20-070, references to requiring prior board approval were deleted from subsections (5) and (6) thereof. This further streamlines the procedures and makes the process easier to comply with by licensees.

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

May 3, 1993  
 Paula O'Connor  
 Chairman

AMENDATORY SECTION (Amending WSR 92-14-028, filed 6/22/92, effective 7/23/92)

WAC 314-20-070 ((Bad order)) Claims for defective keg beer—Replacement of overaged packaged beer—Procedures. ((Bad order claims shall be made, adjusted and record thereof preserved as follows:))

(1) ((No bad order claim shall be allowed except by a brewer or beer importer;)) In the case of beer in barrels, beer which is not in salable condition due to defective beer or a defective container may be returned by the retailer to the beer wholesaler for a claim adjustment. The brewer or supplier may make a credit adjustment to the wholesaler for such claim;

(2) No ((bad order)) claim adjustment shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) ((No bad order claim shall be accepted unless the same is made by the retailer in quadruplicate upon forms furnished by the board;

(4) ~~After the claim has been made out in quadruplicate, one copy (blue) shall be torn from the book and retained by the retailer; one copy (yellow) shall be torn from the book and retained by the wholesaler in those cases where the wholesaler acts as agent of the brewer in accepting the claim; the original and one copy (pink) shall be torn from the book and forwarded to, or retained by, the brewer or beer importer for action upon the claim;~~

(5) ~~At the time of making the final adjustment of the claim, the brewer or beer importer shall mail to the board the pink copy, endorsing thereon the action taken by the brewer or beer importer, together with a certification that in his opinion the claim was valid to the amount allowed;~~

(6) ~~All adjustments of bad order claims shall be made by check issued by the brewer or beer importer and payable to the retailer, bearing the bad order claim number or numbers for which adjustment is made;~~

(7) ~~All documentary evidence relating to the claim shall be preserved by the retailer ((and)), beer wholesaler, brewer, or beer importer for two years after the date ((of submission)) of the claim;~~

((8)) (4) No brewer, beer wholesaler, or beer importer shall allow, or shall any retailer make claim for((a bad order claim)) adjustment for defective keg beer unless the container or the beer is in fact defective;

((9)) (5) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with an identical quantity, type and brand of beer: *Provided further*, That if the brand of beer is not presently in the beer wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee ((upon the approval of the board first being obtained));

((10)) (6) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer wholesaler and either replaced with that beer which was ordered or a cash refund may be made ((upon the approval of the board first being obtained)): *Provided*, That



the error in delivery shall be discovered and corrected within eight days of the date the delivery was made;

~~((11))~~ (7) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection ~~((9))~~ (5) of this section, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board;

~~((12))~~ (8) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that consent of the board is first had and obtained;

~~((13))~~ (9) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer.

AMENDATORY SECTION (Amending Order 176, Resolution No. 185, filed 3/11/86)

**WAC 314-12-030 License to reflect true party in interest—Display of licenses.** (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name(s) of the true party or parties in interest. ~~((No licensee shall pay to any person, as compensation for services or otherwise, more than ten percent of the net profits of the licensed business, unless the name of said person appears on the license.))~~

(2) All licenses (except certificates of approval and agent's licenses) shall be prominently displayed on the licensed premises.

(3) For purposes of this section, "true party" shall apply to any person or entity having a substantial interest in the business conducted on the premises to be licensed.

(4) For purposes of this section, "substantial interest" shall mean any of the following:

(a) Receipt of, or the right to receive, ten percent or more of the gross sales from the licensed business during any calendar or fiscal year of the licensed business. Gross sales, as used in this section, shall include the entire gross receipts of every kind and nature from the sales and services made in, upon, or from the premises, whether on a credit or cash basis, whether operated by the licensee or manager, except:

Any rebates or refunds to customers;

The licensee's cost of meals and beverage provided to employees;

The amount of sales tax receipts or admission taxes;

(b) An investment in the licensed business of ten thousand dollars or more; or issued or outstanding stock on the licensed business.

(5) For purposes of this section, "substantial interest" shall not mean:

(a) A bonus paid to an employee, if the employee is on a fixed wage or salary and the bonus is not more than twenty-five percent of the employee's prebonus annual compensation, or the bonus is based on a written incentive/bonus program and is not out of the ordinary for the services rendered;

(b) Repayment of a loan or payment on a contract to purchase property unless the loan or contract holder exercis-

es control over or participates in the management of the licensed business;

(c) Reasonable payment for rent on a fixed or percentage basis under a bona fide lease or rental obligation unless the lessor or property manager exercises control over or participates in the management of the business;

(d) Payment of franchise fees on a fixed or percentage basis under a bona fide franchise agreement;

(e) Payment of dividends to corporate stockholders.

AMENDATORY SECTION (Amending Order 240, Resolution No. 249, filed 3/15/88)

**WAC 314-16-190 Class H restaurant—Qualifications.** (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (6) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (6) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

(2) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

~~((2))~~ (3) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.

~~((3))~~ (4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a



license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

~~((4))~~ (5) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross retail food sales of one hundred dollars or more, and such food sales shall amount to thirty percent or more of the restaurant's total food-liquor sales.

~~((5))~~ (6) Each Class H restaurant licensee shall submit ~~(semi-annual)~~ reports annually, or as directed by the board in writing, on forms provided by the board, showing its gross food and liquor sales. Sales of food and liquor made by a Class H licensee under a Class I license shall be included as a part of the licensee's gross food and liquor sales. If ~~((for two successive semi-annual reports;))~~ a Class H restaurant's daily average gross retail food sales are less than one hundred dollars, or its retail food sales are less than thirty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license. Further, each Class H restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.

~~((6))~~ (7) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, ~~((sandwiches and/or short orders of))~~ minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.

~~((7))~~ (8) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

~~((8) Licensees who presently hold a Class B liquor license and who apply for a Class H liquor license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:~~

~~(a) Sales figures for ninety days preceding the in lieu application showing total sales, segregated as to the following categories:~~

~~(i) Food sales for on-premises consumption;~~  
~~(ii) Food sales for off-premises consumption;~~  
~~(iii) Beer and/or wine sales for on-premises consumption;~~

~~(iv) Beer and/or wine sales for off-premises consumption;~~

~~(v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.~~

~~(b) That for a period of at least ninety days prior to the date of filing the Class H license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty one percent or more of total food-liquor sales for on-premises consumption.~~

~~While the requirements of (a) and (b) of this subsection must be established before the board will give consideration to the issuance of an in lieu Class H license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.)~~ (9) The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection (6) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.

(10) The refusal or failure by any licensee or employee thereof to provide complete or minimum food service in subsection (6) of this section shall be prima facie evidence of a violation of this section.

(11) Licensees assessing customers a mandatory premises entry fee which includes a cover charge, meal charge, and/or other charges may not apply the mandatory food sales charge to the food/liquor ratio: Provided, That customary holiday food/entertainment packages and Sunday brunches are not subject to the provisions of this subsection.

(12) Meals provided to employees by Class H licensees may be applied to the food/liquor ratio to the extent that the amount applied does not exceed the licensees per meal cost. The recordkeeping requirements in WAC 314-16-160 apply to employee meals that are included as a part of the food/liquor ratio.

(13) Nonliquor ingredients (pop, bottled water, lime, olives, etc.) served in an alcoholic beverage shall not be considered food sales. Soft drinks, juices, bottled water, etc., sold without an alcohol ingredient may be counted as food sales as long as they are sold and accounted for (rung up) as a separate item.

AMENDATORY SECTION (Amending WSR 92-14-025, filed 6/22/92, effective 7/23/92)

WAC 314-16-196 Class H (~~license issued to premises without a cocktail lounge~~) restaurant—Floor space requirements—Conditions for service bar only premises.

(1) Before the board shall issue a Class H license to a bona fide restaurant, the applicant shall (~~present, and receive the approval of the board for~~) submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot (~~scale drawing~~) of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least (~~the simple majority of area when combined with the lounge area~~) fifty-one percent of the total area allocated for the cocktail lounge and dining room areas, except:

(a) Banquet rooms are (~~not considered primary dining area or neutral space. Neutral area will~~) permitted without limitations as to number or size;

(b) Other customer service areas, i.e., waiting rooms, game rooms, card rooms, and bandstand/dance areas located outside the cocktail lounge shall not exceed twice the total square footage of the primary dining and cocktail lounge area combined. (~~A service bar(s) may be approved in lieu of the cocktail lounge~~) Written board approval is required. Provided, however, That the board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

(~~Neutral area is defined as all patron areas within the licensed premises that are dedicated to activities other than the service of food or alcoholic beverages (i.e., hallways, waiting rooms, rest rooms, game rooms, card rooms, and bandstand/dance areas) located outside the cocktail lounge.~~)

(2) (~~Those premises not having cocktail lounges shall have the location of their~~) Class H licensees/applicants may have a service bar(s) (~~approved~~) without regard to the floor space requirements of subsection (1) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of the service bar(s) shall be approved, in writing, by the board.

(b) Service of liquor from such service bar(s) will be by the licensee, or licensee's employees or customers may order and pick up their drinks at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

(3) A Class H licensed restaurant having a service bar(s) (~~in lieu of a cocktail lounge shall be eligible for~~) may with written board approval have the added activity of live music (~~with board approval~~).

(4) If the board issues a Class H license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge (~~in place of the previously approved service bar operation~~), the board will process such a change in the same manner as an application for a new Class H license (i.e. notice will be (~~given by posting~~) posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified(~~etc~~)).

**WSR 93-10-097  
PERMANENT RULES  
OFFICE OF  
ADMINISTRATIVE HEARINGS**

[Filed May 5, 1993, 8:22 a.m.]

Date of Adoption: May 5, 1993.

Purpose: To conform model rule to change in law requiring certification of foreign language interpreters and clarify procedures for using interpreters.

Citation of Existing Rules Affected by this Order: Amending WAC 10-08-150.

Statutory Authority for Adoption: RCW 34.05.250.

Pursuant to notice filed as WSR 93-07-096 on March 23, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsections (7) and (8) are changed in form. The content is reorganized to clarify that decision translation provisions apply only to non-English speaking parties and to facilitate provision of the interpreter's telephone number in hearings where the party and/or the interpreter appear by telephone.

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

May 5, 1993

David R. LaRose

Chief Administrative

Law Judge

AMENDATORY SECTION (Amending Order 6, filed 6/15/89)

**WAC 10-08-150 Adjudicative proceedings—Interpreters.** (1) (~~An "impaired person" is any person involved in an adjudicative proceeding who is a hearing impaired person or a limited English speaking person.~~)

(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited English speaking person" is a person who because of a non-English speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is one who is readily able to interpret spoken and translate written English to and for impaired persons and to interpret or translate statements of impaired persons into spoken English and who meets the requirements of WAC 10-08-150(9). ~~Provided, That for hearing impaired persons a qualified interpreter must be certified by the registry of interpreters for the deaf with a specialist certificate legal, or master's comprehensive skills certificate or comprehensive skills certificate.~~

(5) An "intermediary interpreter" is a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of WAC 10-08-150(9), and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.

(6) When an impaired person is a party to any adjudicative proceeding or witness therein, the presiding officer shall, in the absence of a written waiver signed by the impaired

person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The representative, if any, of the impaired person consents; and

(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding.)

When an impaired person as defined in RCW 2.42 or a non-English-speaking person as defined in RCW 2.43 is a party or witness in an adjudicative proceeding, the presiding officer shall appoint an interpreter to assist the party or witness throughout the proceeding. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in adjudicative proceedings are governed by the provisions of RCW 2.42 and 2.43.

(2) ~~((8))~~ Relatives of any participant in a proceeding and employees of the agency involved in a proceeding shall not be appointed as interpreters in the proceeding. This subsection shall not prohibit the office of administrative hearings from hiring an employee whose sole function is to interpret at administrative hearings.

(3) ~~((9))~~ The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired or non-English-speaking person. This determination shall be based upon the testimony or stated needs of the impaired or non-English-speaking person, the interpreter's education, certifications, and experience in interpreting for contested cases or adjudicative proceedings, the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representative ~~((f))s((3))~~ may question the interpreter as to his or her qualifications and impartiality.

(4) ~~((10))~~ If at any time during the proceeding, in the opinion of the impaired or non-English-speaking person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired or non-English-speaking person, the presiding officer shall appoint another ~~((qualified))~~ interpreter.

~~((11)) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.)~~

(5) ~~((12))~~ Mode of interpretation.

(a) Interpreters for ~~((limited))~~ non-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation ~~((f))~~ unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the ~~((qualified))~~ interpreter considers to provide the most

accurate and effective communication with the hearing impaired person.

(c) When an impaired or non-English-speaking person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding ~~((f))~~ and a nonimpaired or English-speaking party listening to uninterpreted statements would have.

(6) ~~((13))~~ An ~~((qualified))~~ interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. An ~~((qualified))~~ interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(7) ~~((14))~~ The presiding officer shall explain to the ~~((impaired))~~ non-English-speaking party that a written decision or order will be issued in English, and that the party may contact the interpreter for an oral translation of the decision and that the translation itself is at no cost to the party. ~~((If the party has a right to review of the order or decision, the presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.~~

~~((15)) At the hearing ~~((t))~~ The interpreter for a limited English-speaking party) shall provide to the presiding officer and the party the interpreter's telephone number. ~~((written in the primary language of the impaired party. A copy of such))~~ The telephone number shall be attached to the decision or order mailed to the ~~((impaired))~~ party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.~~

(8) If the party has a right to review of the order or decision, the presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.

~~((16)) In any proceeding involving a hearing impaired person, the presiding officer may, with the consent of the agency involved in the hearing, order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.)~~

(9) ~~((17)) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses.)~~ The agency involved in the hearing shall pay ~~((such))~~ interpreter fees and expenses. ~~((The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.)~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**WSR 93-10-098  
PERMANENT RULES  
OFFICE OF  
ADMINISTRATIVE HEARINGS**

[Filed May 5, 1993, 8:24 a.m.]

Date of Adoption: May 5, 1993.

Purpose: To publish current description of central and field organization as required by public disclosure law.

Citation of Existing Rules Affected by this Order: Amending WAC 10-04-020.

Statutory Authority for Adoption: RCW 42.17.250 [(1)](a).

Pursuant to notice filed as WSR 93-07-097 on March 23, 1993.

Effective Date of Rule: Thirty-one days after filing.  
May 5, 1993  
David R. LaRose  
Chief Administrative Law Judge

AMENDATORY SECTION (Amending Order 6, filed 6/15/89)

**WAC 10-04-020 Function—Organization—Offices.**

The office of administrative hearings was created by chapter 34.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions.

Administrative law judges assigned to the two divisions preside over hearings in adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law. Division one is responsible for hearings held before and department of social and health services, the utilities and transportation commission, the liquor control board, the department of licensing, the superintendent of public instruction, and any other state agency requiring administrative law judge services except the employment security department. Division two is responsible for hearings held before the employment security department.

The administrative office is located at (~~Building No. 1, 4224 6th Avenue S.E., Lacey, Washington, 98504-8915~~) 2424 Heritage Court SW, Suite 302, P.O. Box 42488, Olympia, Washington, 98504-2488. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in (~~the following~~) field offices(~~-~~) located in Everett, Olympia, Seattle, Spokane, Vancouver, and Yakima. Each of these offices is headed by a senior administrative law judge.

~~((Social & Health Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821~~

~~Social & Health Subdivision  
1414 Dexter Avenue North  
Seattle WA 98109~~

~~Social & Health Subdivision  
2nd Floor, ES Building  
South 130 Arthur  
Spokane WA 99202~~

~~Social & Health Subdivision  
2722 Colby, Suite 103  
Everett WA 98201~~

~~Yakima Subdivision  
1110 West Lincoln Avenue  
Yakima WA 98902~~

~~Utilities & Transportation Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821~~

~~Liquor Control Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821~~

~~Employment Security Subdivision  
Room 606 Securities Building  
1904 Third Avenue  
Seattle WA 98101~~

~~Employment Security Subdivision  
921 Lakeridge Way, Suite C  
Olympia WA 98504-5822~~

~~Employment Security Subdivision  
2nd Floor, ES Building  
P.O. Box TAF-C-14  
Spokane WA 99220~~

~~Vancouver Subdivision  
111 West 39th Street, Suite A  
Vancouver WA 98660~~

All written communication by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**WSR 93-10-099  
PERMANENT RULES  
DEPARTMENT OF ECOLOGY**

[Order 92-55—Filed May 5, 1993, 8:58 a.m., effective May 19, 1993]

Date of Adoption: May 5, 1993.

Purpose: Modify and expand on the process for developing, issuing, and administering wastewater general permits. Rule changes are necessary to effectively implement recent federal storm water permit requirements.

PERMANENT

Citation of Existing Rules Affected by this Order:  
Amending chapters 173-216 and 173-220 WAC.

Statutory Authority for Adoption: Chapter 90.48 RCW.

Pursuant to notice filed as WSR 93-03-066 on January  
19, 1993.

Changes Other than Editing from Proposed to Adopted  
Version:

**WAC 173-226-010 Purpose.** The purpose of this chapter is to establish a state general permit program, applicable to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems. Permits issued under this chapter are designed to satisfy the requirements for discharge permits under sections 307 and 402b of the federal Water Pollution Control Act (33 U.S.C. §1251) and the state law governing water pollution control (chapter 90.48 RCW).

**WAC 173-226-030 Definitions.**

Add a new definition:

(24) "Sediment standards" means the state of Washington's Sediment management standards (chapter 173-204 WAC).

**WAC 173-226-050 General permit coverage.**

Add a new subsection:

(4) The following discharges are not subject to permits under this chapter:

(a) Discharges to municipal sewerage systems of domestic wastewater from residential, commercial, or industrial structures.

(b) Any industrial or commercial discharge to a municipal sewerage system for which authority to issue permits has been granted to the municipality under RCW 90.48.165.

(c) Any industrial or commercial discharge to a municipal sewerage system operating under, and in compliance with, the applicable requirements of a local pretreatment program approved under section 307 of FWPCA and WAC 173-216-150. In the event of noncompliance, this exemption no longer applies and the discharger is immediately subject to enforcement action under chapter 90.48 RCW for discharging without a waste discharge permit.

(d) Discharges to municipal sewerage systems of wastes from industrial or commercial sources whose wastewater is similar in character and strength to normal domestic wastewater: Provided, That such discharges do not have the potential to adversely affect performance of the system. Examples of this type of discharge sources may include hotels, restaurants, laundries and food preparation establishments.

(e) Discharges of domestic wastewater from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity less than or equal to fourteen thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 248-96 WAC which is administered by the Washington state department of social and health services.

(F) Discharges of domestic wastewater from a mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity less than or equal to three thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 248-96 WAC which is administered by the Washington state department of social and health services.

WAC 173-226-070 Permit effluent limitations.

Revise subsection (2)(b):

(b) Water quality-based limitations (~~(shall be developed)~~) must control all pollutants or pollutant parameters which the department determines are or may be discharged at a level which will cause, have the reasonable potential to cause, to contribute to an (~~exceedance~~) excursion above any state ground or surface-water quality standards.

Revise subsection (6):

(6) In the application of effluent standards and limitations, water and sediment quality standards and other legally applicable requirements pursuant to subsections (1), (2), (3) and (4) of this section, each general permit shall specify:

(a) For industrial wastewater facilities, average monthly and maximum daily quantitative mass and/or concentration limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge;

(b) For domestic wastewater facilities, average weekly and monthly quantitative concentration and mass limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge; and

(c) If a dilution zone is authorized pursuant to chapter 173-201A WAC, within which water quality standards are modified, the dimensions of such dilution zone.

(d) If a sediment impact zone is authorized within which sediment quality standards are modified pursuant to chapter 173-204 WAC, the dimensions of such sediment impact zone.

WAC 173-226-090 Monitoring, recording, and reporting.

Revise subsection (4) as follows:

(4) Except for flow, temperature, and internal process control parameters, all monitoring data required as a condition of a general permit, or required as part of an application for coverage under a general permit shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC within one year of first being covered under a general permit or by July 1, 1995 which ever is later. (~~no later than:~~

~~(a) July 1, 1992, for major dischargers;~~

~~(b) July 1, 1993, for permittees with a permitted average flow rate greater than five million gallons per day;~~

~~(c) July 1, 1994, for all other permittees.))~~

WAC 173-226-110 Fact sheets.

Revise WAC 173-226-110 (1)(n)(i) as follows:

(i) The thirty-day comment period required by WAC 173-226-130(3) including the date and time after which public comments will not be considered by the department in formulating the final determination on the draft general permit;

Add to subsection (1):

(o) A summary of the economic impact analysis required by WAC 173-226-120, including any mitigation proposed pursuant to WAC 173-226-120(2) for small business.

WAC 173-226-120 Economic impact analysis.

Revise subsection (1) as follows:

(1) The department shall prepare an economic impact analysis on all draft general permits which are intended to directly cover small business (~~developed and intended for issuance pursuant to this chapter~~). The economic impact analysis shall be prepared on the draft general permit for which public notice is being provided pursuant to WAC 173-226-130(3).

WAC 173-226-130 Public notice.

Add an item under subsection (1)(a) as follows:

(iii) Publication in the state register.

Revise subsection (2) as follows:

(2) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to subsection (1) of this section, the department shall provide public notice to that effect (~~in the same manner as the preliminary determination public notice was provided~~).

Revise subdivision (3)(e) as follows:

(e) The Department shall make available during the public comment period:

- (i) The draft general permit;
- (ii) The fact sheet on the draft general permit required pursuant to WAC 173-226-110;
- (iii) The economic impact analysis required pursuant to WAC 173-226-120; (~~and~~)
- (iv) A copy of the proposed application for coverage(~~-~~); and
- (v) The notice required pursuant to WAC 173-226-130 (3)(c).

Revise subdivision (4)(c) as follows:

(c) The public notice of the issuance of a general permit shall contain:

- (i) The name, address, and phone number of the agency issuing the public notice;



- (ii) The type of facilities and activities which are the subject of the general permit;
- (iii) The geographical area for which the general permit is valid
- (iv) The criteria for which coverage under a general permit will be approved;
- (v) A listing or some other means of generally identifying the facilities proposed to be covered under the general permit;
- (vi) A summary of the application process by which eligible dischargers may obtain coverage under the general permit;
- (vii) An explanation of any changes to the final general permit, other than editing changes, and the principal reasons for adopting the changes;
- ~~((vii))~~ (viii) A notice that the terms and conditions of the general permit may be appealed only by filing an appeal with the pollution control hearings board and by serving it upon the department within thirty days, and the process for doing so as contained in RCW 43.21B.310; and
- ~~((viii))~~ (ix) The date after which the general permit shall be effective. The effective date of a general permit shall be no sooner than thirty days after the publication in the state register of the public notice required pursuant to subsection (4)(a) of this subsection.

WAC 173-226-150 Public hearings.

Add a new subsection as follows:

(4) The department shall cause a record to be made of all hearings required pursuant to this section. The record may be stenographic, mechanical or electronic.

WAC 173-226-160 Public access to information.

Revise the section as follows:

(1) In accordance with chapter 42.17 RCW and its published policy describing disclosure of public records, the department shall make identifiable public records relating to all general permits available to the public for inspection and copying.

(2) The department shall designate a general permit coordinator for each general permit. The coordinator shall:

(a) Have knowledge of the general permit being prepared;

(b) Maintain the records associated with the development of the general permit including the general permit file required pursuant to subsection (3) of this section;

(c) Be identified as the department contact in public notices regarding the general permit.

(3) The department shall prepare a general permit development file for each issued general permit. The general permit development file shall be available for public inspection subject to the provisions of this section. The general permit development file shall contain:

(a) Copies of all public notices required pursuant to WAC 173-226-130;



~~(b) A copy of the fact sheet required pursuant to WAC 173-226-110 and any other documents not readily available to the public which were used in developing the terms and conditions of the general permit;~~

~~(c) Copies of the draft and final general permits, the economic impact analysis, and the application for coverage;~~

~~(d) All written comments received during the public comment period required pursuant to WAC 173-226-130 (3), on the draft general permit, fact sheet, economic impact analysis, and application for coverage; and~~

~~(e) The record of public hearings produced pursuant to WAC 173-226-150(4); and~~

~~(f) The response to comments prepared pursuant to WAC 173-226-170(1).~~

~~((+2)) (4) Pursuant to chapter 42.17 RCW the department shall provide, upon request, ((the names and any other)) any information submitted as part of an application for coverage under a general permit.~~

~~((+3)) (5) The department shall add the name of any person, upon request, to a mailing list to receive notices of departmental actions associated with a general permit ((copies of applications for coverage under a general permit)).~~

~~((+4)) (6) The department shall provide facilities for the inspection of information relating to general permits and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either:~~

~~(a) Insure that a machine or device for the copying of papers and documents is available for a reasonable fee; or~~

~~(b) Otherwise provide for, or coordinate with copying facilities or services such that requests for copies of nonconfidential, identifiable public records be honored promptly.~~

~~((+5)) (7) Pursuant to chapters 42.17, 43.21A, 70.105 and 90.52 RCW, the department shall protect any information (other than information on the effluent) contained in applications as confidential upon a showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person.~~

~~((+6)) (8) Any information accorded confidential status, whether or not contained in an application form, shall be disclosed, upon request, to the regional administrator.~~

**WAC 173-226-170 Issuance of general permits.**

**Revise subsection (1) as follows:**

(1) At the close of the public comment period required pursuant to WAC 173-226-130 (3)(d) the department shall prepare a response to all relevant comments received (both written and oral) and shall briefly describe any changes, other than editing changes, and the principal reasons for making the changes to the draft general permit.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An early effective date of May 19, 1993, is required because existing emergency rules will expire on that date. The emergency rules were adopted pursuant to notice filed as WSR 93-03-067 and were necessary to implement federal storm water regulations.

Effective Date of Rule: May 19, 1993.

May 5, 1993  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

**WAC 173-216-010 Purpose.** (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation ((excludes the point source discharge of pollutants into navigable waters of the state which is regulated by National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC. This regulation also excludes the injection of fluids through wells which is regulated by underground injection control

program, chapter 173-218 WAC)) does not apply to the following:

(a) The injection of fluids through wells which are regulated by the Underground injection control program, chapter 173-218 WAC.

(b) The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC.

(c) The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.

(2) Permits issued under this chapter are designed to satisfy the requirement for discharge permits under the Water Pollution Control Act, chapter 90.48 RCW and to implement applicable pretreatment requirements under section 307 of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.).

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

**WAC 173-216-030 Definitions.** For the purposes of this chapter the following definitions shall be applicable:

(1) "Beneficial uses" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(3) "Department" means department of ecology.

(4) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration or surface waters as may be present (submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present. In case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day at any common point (submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

(6) "FWPCA" means Federal Water Pollution Control Act as amended by 1981 amendment (33 U.S.C. § 466 et seq.).

(7) "General permit" means a permit which covers multiple dischargers within a designated geographical area, in lieu of individual permits being issued to each discharger.

(8) "Industrial wastewater" means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities (Submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

~~((8))~~ (9) "Interfere with" means a discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the FWPCA, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

~~((9))~~ (10) "Municipal sewerage system" or "publicly owned treatment works (POTW)" means a publicly owned domestic wastewater facility or a privately owned domestic wastewater facility that is under contract to a municipality.

~~((10))~~ (11) "NPDES" means National Pollutant Discharge Elimination System permit program under section 402 of FWPCA.

~~((11))~~ (12) "New source" means any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced; after proposal of Pretreatment Standards under section 307(c) of the FWPCA which are applicable to such sources.

~~((12))~~ (13) "Pass through" means the discharge of pollutants through a municipal sewerage system into waters of the state in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of water quality standards for waters of state of Washington, chapter 173-201 WAC, or of the NPDES or state waste discharge permit, including an increase in the magnitude or duration of a violation (section 307 of FWPCA). Failure to obtain approval of an application for a new or increased discharge or change in the nature of the

PERMANENT

discharge according to WAC 173-216-110(5) would constitute such a violation.

~~((13))~~ (14) "Person" includes any political subdivision, local, state or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

~~((14))~~ (15) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

~~((15))~~ (16) "Pretreatment requirements" means any substantive or procedural state, local, or federal requirements or standards developed under chapter 90.48 RCW and sections 307 and/or 402 of the FWPCA.

~~((16))~~ (17) "Pretreatment standards," "categorical standards," or "standards," means any pollutant discharge limitations, including those developed under section 307(b) and (c) of the FWPCA and implemented through regulations in 40 CFR Subchapter N, that apply to the discharge of nondomestic wastes to POTWs. This term includes prohibitive discharge limits established pursuant to WAC 173-216-060.

~~((17))~~ (18) "Subsurface sewage treatment and disposal" means the physical, chemical, or biological treatment and disposal of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills (Submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

~~((18))~~ (19) "Waste materials" means any discarded, abandoned, unwanted or unrecovered material(s), except the following are not waste materials for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling: *Provided*, That such discharges do not have significant potential, either individually, or collectively, to affect ground water quality or uses.

(b) Discharges of stormwater that is not contaminated or potentially contaminated by industrial or commercial sources.

~~((19))~~ (20) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

~~((20))~~ (21) In the absence of other definitions as set forth herein, the definitions as set forth in 40 CFR Part 403.3 shall be used for circumstances concerning the discharge of waste into sewerage systems.

AMENDATORY SECTION (Amending Order DE 83-29, filed 11/18/83)

**WAC 173-216-040 Authorization required.** (1) No waste materials may be discharged from any commercial or industrial operation into waters of the state, or into any municipal sewerage system, nor may waste materials be discharged from any municipal sewerage system into waters of the state, except as authorized pursuant to this chapter ~~((of))~~, chapter 173-220 or 173-226 WAC.

(2) Any person who constructs or modifies or proposes to construct or modify wastewater facilities must first

comply with the regulations for submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC.

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

**WAC 173-216-050 Discharges not subject to permits.** (1) The following discharges are not subject to permits under this chapter:

(a) Discharges to municipal sewerage systems of domestic wastewater from residential, commercial, or industrial structures.

(b) Any industrial or commercial discharge to a municipal sewerage system for which authority to issue permits has been granted to the municipality under RCW 90.48.165.

(c) Any industrial or commercial discharge to a municipal sewerage system operating under, and in compliance with, the applicable requirements of a local pretreatment program approved under section 307 of FWPCA and WAC 173-216-150. In the event of noncompliance, this exemption no longer applies and the discharger is immediately subject to enforcement action under chapter 90.48 RCW for discharging without a waste discharge permit.

(d) Discharges to municipal sewerage systems of wastes from industrial or commercial sources whose wastewater is similar in character and strength to normal domestic wastewater: *Provided*, That such discharges do not have the potential to adversely affect performance of the system. Examples of this type of discharge sources may include hotels, restaurants, laundries and food preparation establishments.

(e) Discharges for which an NPDES permit from the department is required pursuant to chapter 173-220 WAC.

(f) Discharges which are otherwise subject to the permit requirements of this chapter but which are covered under a general permit issued pursuant to chapter 173-226 WAC.

(g) Discharges of domestic wastewater from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity less than or equal to fourteen thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter ~~((248-96))~~ 246-272 WAC which is administered by the Washington state department of ~~((social and))~~ health ~~((services))~~.

~~((g))~~ (h) Discharges of domestic wastewater from a mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity less than or equal to three thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter ~~((248-96))~~ 246-272 WAC which is administered by the Washington state department of ~~((social and))~~ health ~~((services))~~.

(2) A permit is required for any source subject to pretreatment standards promulgated under section 307 of FWPCA, unless exempted under subsections (1)(b) and (c) of this section.

(3) These exemptions shall not relieve any discharger from the requirement to apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state, nor the requirement to obtain approval of plans and reports for the construction of wastewater facilities. Nothing herein shall limit the authority

of the department to take enforcement action for any unlawful discharge of waste materials or other violations of the Water Pollution Control Act, chapter 90.48 RCW.

AMENDATORY SECTION (Amending Order 86-03, filed 3/4/86)

**WAC 173-216-070 Application for a permit.** (1) Any person not exempt under WAC 173-216-050, who proposes to discharge waste materials into waters of the state or into a municipal sewerage system, must file an application with the department at least sixty days prior to discharging, or in the case of an expiring permit, at least sixty days prior to the expiration of the permit.

(2) Applications for permits shall be on forms as prescribed by the department.

(3) The applicant must pay applicable fees pursuant to Wastewater discharge permit fees, chapter ~~((173-222))~~ 173-224 WAC.

(4) The requirement for a permit application will be satisfied, if the discharger files:

(a) A completed permit application;

(b) When applicable, signature of approval by an authorized representative of the municipal sewerage system; and

(c) Any other information determined as necessary by the department.

(5) The application shall be signed in case of:

(a) Corporations, by a principal executive officer of at least the level of vice-president;

(b) A partnership, by a general partner;

(c) A sole proprietorship, by the proprietor;

(d) A municipal, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

(6) In the case of application by a corporation, the principal executive officer shall personally examine the application and certify its truth, accuracy, and completeness.

AMENDATORY SECTION (Amending Order 88-8, filed 5/26/88, effective 7/1/88)

**WAC 173-216-130 Modification, suspension, and revocation of permits.** (1) Any permit issued under this chapter can be modified, suspended, or revoked, in whole or in part by the department for the following causes:

(a) Violation of any permit term or condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) A material change in quantity or type of waste disposal;

(d) A material change in the condition of the waters of the state; or

(e) Nonpayment of permit fees assessed pursuant to RCW 90.48.610.

(2) The department may modify a permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, which includes promulgation or revisions of categorical standards.

(3) Any permit issued under this chapter shall remain in effect until terminated in writing by the department, except that continuation of an expired permit (pursuant to RCW

90.48.200), shall terminate upon coverage under a general permit issued pursuant to chapter 173-226 WAC.

AMENDATORY SECTION (Amending Order DE 83-29, filed 11/18/83)

**WAC 173-216-140 Relationship with NPDES permits.** For a given facility, permit requirements under this chapter and NPDES permit requirements under Water Pollution Control Act, RCW 90.48.260, shall under normal circumstances, be contained in a single permit document ~~((; except for general permits as provided for in NPDES permit program, WAC 173-220-045)).~~

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-010 Purpose.** The purpose of this chapter is to establish a state individual permit program, applicable to the discharge of pollutants and other wastes and materials to the surface waters of the state, operating under state law as a part of the National Pollutant Discharge Elimination System (NPDES) created by section 402 of the Federal Water Pollution Control Act (FWPCA). Permits issued under this chapter are designed to satisfy the requirements for discharge permits under both section 402(b) of the FWPCA and chapter 90.48 RCW.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-020 Permit required.** No pollutants shall be discharged to any surface water of the state from a point source, except as authorized by an individual ~~((or general))~~ permit issued pursuant to this chapter or as authorized by a general permit issued pursuant to chapter 173-226 WAC.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-030 Definitions.** For purposes of this chapter, the following definitions shall be applicable:

(1) "Administrator" means the administrator of the United States Environmental Protection Agency.

(2) "Combined waste treatment facility" means any publicly owned waste treatment facility in which the maximum monthly average influent from any one industrial category, or categories producing similar wastes, constitutes over eighty-five percent of the design load for biochemical oxygen demand or suspended solids. Each single industrial category must contribute a minimum of ten percent of the applicable load.

(3) "Department" means department of ecology.

(4) "Director" means the director of the department of ecology or his/her authorized representative.

(5) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to surface waters of the state from any point source, (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft which is being used as a means of transportation.

(6) "Discharger" means owner or operator of any facility or activity subject to regulation under the NPDES program.

(7) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration or surface waters as may be present.

(8) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present. This term applies only to facilities discharging to surface water.

(9) "Effluent limitation" means any restriction established by the state or administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into surface waters of the state.

(10) "FWPCA" means the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251 et seq.

(11) "General permit" means ~~(an NPDES)~~ a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

(12) "Individual permit" means a permit for a single point source or a single facility.

(13) "Major discharger" means any discharger classified as such by the administrator in conjunction with the director and published in the annual state-EPA agreement.

(14) "Minor discharger" means any discharger not designated as major or covered under a general permit.

(15) "NPDES" means the National Pollutant Discharge Elimination System.

(16) "Permit" means an authorization, license, or equivalent control document issued by the director to implement this chapter.

(17) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(18) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(19) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

(20) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA) or his/her authorized representative.

(21) "Surface waters of the state" means all waters defined as "waters of the United States" in 40 CFR 122.2 that are within the boundaries of the state of Washington.

This includes lakes, rivers, ponds, streams, inland waters, wetlands, ocean, bays, estuaries, sounds, and inlets.

(22) "Water quality standards" means the state of Washington's water quality standards for surface waters of the state, which are codified in chapter 173-201 WAC.

#### AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-040 Application for permit.** (1) Any person presently discharging pollutants to surface waters of the state must file an application with the department on a form prescribed by the department. For the purpose of satisfying the requirements of this subsection, any completed application filed with the Environmental Protection Agency prior to the approval by the administrator under section 402(b) of the FWPCA of this state permit program shall constitute a filing with the department.

(2) Any person proposing to commence a discharge of pollutants to surface waters of the state must file an application with the department on a form prescribed by the department, (a) no less than one hundred eighty days in advance of the date on which it is desired to commence the discharge of pollutants, or (b) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the FWPCA and any other applicable water quality standards or effluent standards and limitations.

(3) The applicant must pay any applicable fees required pursuant to RCW 90.48.610.

(4) The requirement for permit application will be satisfied if the discharger files:

(a) A complete application form which is appropriate for the type, category, or size of discharge per 40 CFR 122.21; or

(b) A complete request for coverage ~~((by))~~ under a general permit; and

(c) Any additional information required by the department pertaining to pollutant discharge.

(5) The application form shall bear a certification of correctness to be signed:

(a) In the case of corporations, by a responsible corporate officer.

(b) In the case of a partnership, by a general partner.

(c) In the case of sole proprietorship, by the proprietor.

(d) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

(6) Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

(7) No discharge of pollutants into the surface waters of the state is authorized until such time as a permit has been issued consistent with the terms and conditions of this chapter.

#### AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-050 Public notice.** (1) Public notice of every draft permit determination regarding an individual permit ~~((or general permit, and request for coverage by a~~

general permit;)) shall be circulated in a manner designed to inform interested and potentially affected persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge, as follows:

(a) ~~((For individual permits;))~~ Notice shall be circulated within the geographical area of the proposed discharge; such circulation may include any or all of the following, as directed by the department:

(i) Posting by the applicant for a period of thirty days in the post office, public library, and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(ii) Posting by the applicant for a period of thirty days near the entrance of the applicant's premises and nearby places;

(iii) Publishing by the applicant, at his own cost within such time as the director shall prescribe, through a notice form provided by the department, in major local newspapers of general circulation serving the area in which the discharge occurs: *Provided*, That if an applicant fails to publish notice within thirty days of the time prescribed by the director, the department may publish the notice and bill the applicant for the cost of publication;

(iv) Publishing by the applicant of paid advertisements;

(v) Publishing by the department of news releases or newsletter articles.

(b) ~~((For general permits, such circulation shall include the following:~~

~~(i) Publishing by the department of a notice of intent to issue a general permit in a major local newspaper of general circulation in each affected area; and~~

~~(ii) Posting or publishing by the applicant of a request for coverage by a general permit in accordance with any or all methods listed in (a)(i), (ii), (iii), (iv), or (v) of this subsection, as directed by the department.~~

~~(e))~~ Notice shall be mailed to any person upon request; and

~~((d))~~ (c) The department shall add the name of any person upon request to a mailing list to receive copies of notices within the state or within a certain geographical area.

(2) The department shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on a draft permit determination ~~((or a request for coverage by a general permit))~~. All written comments submitted during the thirty-day comment period shall be retained by the department and considered in the formulation of its final determination with respect to the application. The period for comment may be extended at the discretion of the department.

(3) The department shall prepare the contents of the public notice, which shall, at a minimum, summarize the following:

(a) Name, address, phone number of agency issuing the public notice;

(b) ~~((Except when unknown in the case of general permit issuance;))~~ Name and address of each applicant, and if different, of the facility or activity to be regulated;

(c) Each applicant's activities or operations which result in a discharge (e.g., municipal waste treatment, steel manufacturing, drainage from mining activities);

~~(d) ((Except in the case of general permit issuance;))~~ Name of waterway to which each discharge is made and the location of each discharge on the waterway, indicating whether such discharge is a new or an existing discharge;

(e) The tentative determination to issue or deny a permit for the discharge;

~~(f) ((Where coverage by a general permit is replacing a current individual permit, notice of termination of the individual permit;~~

~~(g))~~ The procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (2) of this section and any other means by which interested persons may comment upon those determinations; and

~~((h))~~ (g) Address and phone number of state premises at which interested persons may obtain further information.

(4) The department shall provide copies of permit applications, draft permit determinations, ~~((requests for coverage, and general permits upon request))~~ and final permits.

(5) The department shall notify the applicant and persons who have submitted written comments or requested notice of the final permit decision. This notification shall include response to comments received and reference to the procedures for contesting the decision.

#### AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-060 Fact sheets.** (1) The department shall prepare a fact sheet for every draft permit determination ~~((regarding major dischargers, minor dischargers, and general permits))~~. Such fact sheets shall, at a minimum, summarize the following:

(a) The type of facility or activity which is the subject of the application;

(b) The location of the discharge in the form of a sketch or detailed description;

(c) The type and quantity of the discharge, including at least the following:

(i) The rate or frequency of the proposed discharge;

(ii) For thermal discharges, the average summer and winter temperatures; and

(iii) The average discharge in pounds per day, or other appropriate units, of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under RCW 90.48.010, 90.52.040, 90.54.020 and sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

(d) The conditions in the proposed permit;

(e) The legal and technical grounds for the draft permit determination, including an explanation of how conditions meet both the technology-based and water quality-based requirements of the FWPCA and chapters 90.48, 90.52, and 90.54 RCW;

(f) The effluent standards and limitations applied to the proposed discharge;

(g) The applicable water quality standards, including identification of the uses for which receiving waters have been classified;

(h) How the draft permit addresses use or disposal of residual solids generated by wastewater treatment; and

(i) The procedures for the formulation of final determinations (in more detailed form than that given in the public notice) including:

(i) The thirty-day comment period required by WAC 173-220-050(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate in the formulation of the final determinations.

(2) The department shall send a fact sheet to the applicant and, upon request, to any other person.

(3) The department shall add the name of any person upon request to a mailing list to receive copies of fact sheets.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-070 Notice to other government agencies.** The department shall notify other appropriate government agencies of each draft permit determination (~~or request for coverage~~) and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification shall include the following:

(1) Unless the regional administrator has agreed to waive review, transmission of an application, fact sheet, and draft permit to the regional administrator for comment or objection within thirty days (~~((ninety days for general permits))~~), or a longer period if requested up to a maximum of ninety days.

(2) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of the public notice to any other states whose waters may be affected by the issuance of a permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations.

(3) Unless waived by the respective agency, the public notice shall be sent to the appropriate district engineer of the Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the state departments of fisheries, natural resources, wildlife, and social and health services, the archaeology and historic preservation office, the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA, applicable Indian tribes and any other applicable government agencies.

(4) A copy of any written agreement between the department and an agency identified in subsection (3) of this section which waives the receipt of public notices shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

(5) Copies of public notices shall be mailed to any other federal, state, or local agency, Indian tribe or any affected country, upon request. Such agencies shall have an opportunity to respond, comment, or request a public hearing pursuant to WAC 173-220-090.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-090 Public hearings.** The applicant, any affected state, any affected interstate agency, any affected country, the regional administrator, or any interested agency or person may request a public hearing with respect to a draft permit determination (~~or request for coverage by a general permit~~). Any such request for a public hearing shall be filed within the thirty-day period prescribed in WAC 173-220-050(2) and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The department shall hold a hearing if it determines there is a significant public interest. Instances of doubt will be resolved in favor of holding the hearing. Any hearing brought pursuant to this subsection shall be held at a time and place deemed appropriate by the department.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-100 Public notice of public hearings.**

(1) The department shall circulate public notice of any hearing held pursuant to WAC 173-220-090 at least as widely as was the notice pursuant to WAC 173-220-050. Procedures for the circulation of public notice for hearings held under WAC 173-220-090 shall include at least the following:

(a) Notice shall be published in at least one major local newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies who received a copy of the notice pursuant to WAC 173-220-050 or the fact sheet;

(c) Notice shall be mailed to any person upon request; and

(d) Notice shall be effected pursuant to (a) and (c) of this subsection at least thirty days in advance of the hearing.

(2) The contents of public notice of any hearing held in pursuant to WAC 173-220-090 shall include at least the following:

(a) Name, address, and phone number of agency holding the public hearing;

(b) A reference to the public notice issued pursuant to WAC 173-220-050, including identification number and date of issuance;

(c) The time and location for the hearing;

(d) The purpose of the hearing;

(e) Address and phone number of premises at which interested persons may obtain information;

(f) The nature of the hearing;

(g) The issues raised by the persons requesting the hearing, and any other appropriate issues which may be of interest to the public;

~~((i) Except when unknown in the case of general permit determinations,)) (h) The name and address of each applicant whose proposed discharge will be considered at the hearing;~~

~~((ii) Except when unknown in the case of general permit determinations,)) (i) The name of waterway to which each discharge is made and the location of each discharge on the waterway.~~



AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

**WAC 173-220-110 Permit preparation.** The department will prepare tentative staff determinations with respect to a permit application (~~(or a determination that a class of dischargers is appropriately covered by a general permit,))~~ in advance of public notice of the proposed issuance or denial of a permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge described in the application; and

(2) If the determination is to issue the permit, the following shall be included in a draft permit:

(a) Proposed effluent limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(c) A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application.

AMENDATORY SECTION (Amending Order 88-9, filed 11/1/88)

**WAC 173-220-225 Appeals.** ~~((+))~~ Individual permits are subject to appeals as specified in chapter 43.21B RCW.

~~((2) For general permits: (a) The terms and conditions of a general permit as they apply to the appropriate class of dischargers is subject to appeal within thirty days of issuance of a general permit in accordance with chapter 43.21B RCW; (b) the terms and conditions of a general permit as they apply to an individual discharger are subject to appeal in accordance with chapter 43.21B RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that discharger. Appeal of general permit coverage of an individual discharger does not affect any other individual dischargers. If the terms and conditions of a general permit are found to be inapplicable to any discharger, the matter shall be remanded to the department for consideration of issuance of an individual permit.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-220-045 General permits.

**Chapter 173-226 WAC  
WASTE DISCHARGE GENERAL PERMIT PROGRAM**

NEW SECTION

**WAC 173-226-010 Purpose.** The purpose of this chapter is to establish a state general permit program, applicable to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems. Permits issued under this

chapter are designed to satisfy the requirements for discharge permits under sections 307 and 402(b) of the federal Water Pollution Control Act (33 U.S.C. §1251) and the state law governing water pollution control (chapter 90.48 RCW).

NEW SECTION

**WAC 173-226-020 Permit required.** No pollutants shall be discharged to waters of the state from any point source, except as authorized by an individual permit issued pursuant to chapters 173-216 and 173-220 WAC, or as authorized through coverage under a general permit issued pursuant to this chapter. Coverage under a valid general permit issued prior to the existence of this chapter will satisfy the permit requirements of this section.

NEW SECTION

**WAC 173-226-030 Definitions.** For purposes of this chapter, the following definitions shall be applicable:

(1) "Administrator" means the administrator of the United States Environmental Protection Agency.

(2) "Application for coverage" means a form developed by, or approved by the department, which is used by a discharger to apply for coverage under a general permit.

(3) "Best management practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(4) "Department" means the Washington state department of ecology.

(5) "Director" means the director of the department of ecology or the director's authorized representative.

(6) "Discharge of pollutant" and "discharge of pollutants" mean the addition of any pollutant or combination of pollutants to waters of the state, respectively.

(7) "Discharger" means the owner or operator of any operation, facility, or activity subject to regulation under chapter 90.48 RCW.

(8) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

(9) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater, together with such industrial waste as may be present.

(10) "Effluent limitation" means any restriction established by the department or the administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents discharged from point sources into waters of the state.

(11) "FWPCA" means the federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et seq.

(12) "Existing operation" means an operation that is not a new operation.

(13) "General permit" means a permit that covers multiple dischargers of a point source category within a



designated geographical area, in lieu of individual permits being issued to each discharger.

(14) "Individual permit" means a permit for a single point source or a single facility.

(15) "Municipal sewerage system" means a publicly owned domestic wastewater facility or privately owned domestic wastewater facility that is under contract to a municipality.

(16) "New operation" means an operation that begins activities that result in a discharge, or a potential discharge to waters of the state on or after the effective date of the general permit.

(17) "Notice of intent" means an application for a general permit, a request for coverage under a general permit, or a registration form for a general permit.

(18) "NPDES" means the National Pollutant Discharge Elimination System.

(19) "Permit" means an authorization, license, or equivalent control document issued by the director to implement this chapter.

(20) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(21) "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(22) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

(23) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA) or his/her authorized representative.

(24) "Sediment standards" means the state of Washington's Sediment management standards (chapter 173-204 WAC).

(25) "Small business" has the meaning given in RCW 43.31.025(4).

(26) "Surface waters of the state" means all waters defined as "waters of the United States" in 40 CFR 122.2 that are within the boundaries of the state of Washington. This includes lakes, rivers, ponds, streams, inland waters, wetlands, ocean, bays, estuaries, sounds, and inlets.

(27) "Waters of the state" means all waters defined as "surface waters of the state" and all waters defined as "waters of the state" in RCW 90.48.020.

(28) "Water quality standards" means the state of Washington's water quality standards for ground waters of the state (chapter 173-200 WAC) and the state of Washington's water quality standards for surface waters of the state (chapter 173-201A WAC).

## NEW SECTION

**WAC 173-226-040 Relationship to chapters 173-216 and 173-220 WAC.** This chapter defines a waste discharge general permit program within Washington state. Chapters 173-216 and 173-220 WAC define and establish permit programs for the development and issuance of individual permits.

## NEW SECTION

**WAC 173-226-050 General permit coverage.** (1) The director may issue general permits to satisfy any or all of the waste water discharge permit requirements of chapter 90.48 RCW and the FWPCA.

(2) The director may issue general permits to cover categories of dischargers for geographic areas as described under subsection (3) of this section. The area shall correspond to existing geographic or political boundaries, such as:

(a) Designated planning areas under section 208 or 303 of the FWPCA;

(b) Sewer districts or other special purpose districts;

(c) City, county, or state political boundaries;

(d) State or county highway systems;

(e) Standard metropolitan statistical areas as defined by the federal Office of Management and Budget;

(f) Urbanized areas as designated by the Bureau of the Census; or

(g) Any other appropriate division or combination of boundaries.

(3) General permits may be written to cover the following within a described area:

(a) Storm water sources; or

(b) Categories of dischargers that meet all of the following requirements:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same or substantially similar types of wastes;

(iii) Require the same or substantially similar effluent limitations or operating conditions, and require similar monitoring; and

(iv) In the opinion of the director are more appropriately controlled under a general permit than under individual permits.

(4) The following discharges are not subject to permits under this chapter:

(a) Discharges to municipal sewerage systems of domestic wastewater from residential, commercial, or industrial structures.

(b) Any industrial or commercial discharge to a municipal sewerage system for which authority to issue permits has been granted to the municipality under RCW 90.48.165.

(c) Any industrial or commercial discharge to a municipal sewerage system operating under, and in compliance with, the applicable requirements of a local pretreatment program approved under section 307 of FWPCA and WAC 173-216-150. In the event of noncompliance, this exemption no longer applies and the discharger is immediately subject to enforcement action under chapter 90.48 RCW for discharging without a waste discharge permit.

(d) Discharges to municipal sewerage systems of wastes from industrial or commercial sources whose wastewater is

similar in character and strength to normal domestic wastewater: *Provided*, That such discharges do not have the potential to adversely affect performance of the system. Examples of this type of discharge sources may include hotels, restaurants, laundries, and food preparation establishments.

(e) Discharges of domestic wastewater from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity less than or equal to fourteen thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 246-272 WAC which is administered by the Washington state department of health.

(f) Discharges of domestic wastewater from a mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity less than or equal to three thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 246-272 WAC which is administered by the Washington state department of health.

#### NEW SECTION

**WAC 173-226-060 General permit preparation—Preliminary determination.** (1) For all general permits, the department shall make a preliminary determination to develop a general permit. Interested persons may petition the director requesting that a category of dischargers be considered for the development of a general permit. The department shall respond to such a petition within ninety days of receipt.

(2) The department shall provide public notice of all preliminary determinations to develop a general permit pursuant to WAC 173-226-130(1).

(3) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to WAC 173-226-130(2), the department shall provide public notice to that effect in the same manner as the preliminary determination public notice was provided.

#### NEW SECTION

**WAC 173-226-070 Permit effluent limitations.** Any general permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(1) Technology-based treatment requirements and standards reflecting all known, available, and reasonable methods of prevention, treatment, and control required under RCW 90.48.010, 90.48.520, 90.52.040, and 90.54.020 may be imposed through any or all of the following methods:

(a) Effluent limitations and standards promulgated pursuant to sections 301, 302, 306, and 307 of the FWPCA;

(b) Discharge standards contained in chapters 173-221 and 173-221A WAC;

(c) On a case-by-case basis under section 402 of the FWPCA; and/or

(d) Through the use of best management practices.

(2) Water quality-based effluent limitations.

(a) Water quality-based effluent limitations shall be incorporated into a general permit if such limitations are necessary to comply with chapter 173-200 and/or 173-201A

WAC for the majority of the dischargers intended to be covered under the general permit and:

(i) The department determines that the use of a general permit rather than individual permits is appropriate; and

(ii) The conditions of coverage contained in WAC 173-226-050 are met.

(b) Water quality-based effluent limitations must control all pollutants or pollutant parameters which the department determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion of state ground or surface water quality standards.

(3) Any more stringent limitations or requirements, including those necessary to:

(a) Meet water quality standards, sediment quality standards, treatment standards, or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA;

(b) Meet any federal law or regulation other than the FWPCA or regulations thereunder;

(c) Implement any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(d) Prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or materials handling or storage;

(e) Meet the permit by rule provisions of the state dangerous waste regulation, WAC 173-303-802 (4) or (5);

(f) Comply with a plan approved pursuant to section 208(b) of the FWPCA; and/or

(g) Meet such conditions as the department determines are necessary to carry out the provisions of the FWPCA, prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA.

(4) In addition to the other applicable requirement of this chapter, general permits authorizing the discharge into a municipal sewerage system shall satisfy the applicable pretreatment requirements of the FWPCA.

(5) Requirements pursuant to other laws, including the state's Hazardous Waste Management Act (chapter 70.105 RCW), the Solid Waste Management—Reduction and Recycling Act (chapter 70.95 RCW), the Resource Conservation and Recovery Act of 1976 (Public Law 95.190), or any other applicable local ordinances, state or federal statute, to the extent that they pertain to the prevention or control of waste discharges into the waters of the state;

(6) In the application of effluent standards and limitations, water and sediment quality standards and other legally applicable requirements pursuant to subsections (1) through (4) of this section, each general permit shall specify:

(a) For industrial wastewater facilities, average monthly and maximum daily quantitative mass and/or concentration limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge;

(b) For domestic wastewater facilities, average weekly and monthly quantitative concentration and mass limitations,

or other such appropriate limitations for the level of pollutants and the authorized discharge;

(c) If a dilution zone is authorized, pursuant to chapter 173-201A WAC, within which water quality standards are modified, the dimensions of such dilution zone; and

(d) If a sediment impact zone is authorized within which sediment quality standards are modified pursuant to chapter 173-204 WAC, the dimensions of such sediment impact zone.

#### NEW SECTION

**WAC 173-226-080 Other terms and conditions.** (1) In addition to the requirements of WAC 173-226-070, 173-226-090, and 173-226-180, each general permit shall require:

(a) All discharges authorized by the general permit shall be consistent with the terms and conditions of the permit.

(b) Any facility expansions, production increases, or process modifications that would result in new or increased discharges of pollutants causing effluent limitations in the general permit to be exceeded or beyond which was reported in the application for coverage, must be reported to the department by submission of a new application or supplement thereto.

(c) Unless notified to the contrary by the department all notices submitted pursuant to (b) of this subsection shall comply with the application requirements of WAC 173-226-200(3).

(d) Any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the general permit shall constitute a violation of the terms and conditions of the general permit.

(e) The director may terminate coverage under a general permit for cause. Cases where coverage under a general permit may be terminated include, but are not limited to, those contained in WAC 173-226-240(1).

(f) The director may require any discharger to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit.

(g) General permits may be issued, modified, revoked and reissued, or terminated in accordance with the other provisions of this chapter. Grounds for modification or revocation and reissuance include but are not limited to those contained in WAC 173-226-230.

(h) The permittee shall allow the department or its authorized representative, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit;

(ii) To have access to, and to copy at reasonable cost, any records required to be kept under terms and conditions of the permit;

(iii) To inspect any monitoring equipment or method required in the permit; and/or

(iv) To sample any discharge of pollutants.

(i) The permittee shall at all times properly operate and maintain any facilities or systems of control to achieve compliance with the terms and conditions of the general permit. Where design criteria have been established, the

permittee shall not allow flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(j) The discharge of pollutants resulting from activities not covered under the general permit for which the discharger has requested coverage, shall be a violation of the terms and conditions of the general permit.

(2) General permits shall specify the contents of the application for coverage, the deadlines for submitting applications for coverage, the date(s) and/or the process by which coverage is granted, and the criteria for coverage.

(3) Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for and being issued an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

(4) When an individual permit is issued to a discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

#### NEW SECTION

**WAC 173-226-090 Monitoring, recording, and reporting.** (1) Monitoring.

(a) Any discharge authorized by a general permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include but are not limited to:

(i) Flow (in gallons per day or other appropriate units);

(ii) All pollutants on which limitations have been placed pursuant to WAC 173-226-070;

(iii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) that are subject to reduction or elimination under the terms and conditions of the permit;

(iv) Pollutants that the department finds could have a significant impact on the quality of waters and sediments of the state; and

(v) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring.

(b) Each effluent flow or pollutant required to be monitored pursuant to (a) of this subsection shall be monitored at intervals sufficiently frequent to yield data that reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant.

(c) Monitoring for compliance with limitations imposed pursuant to WAC 173-226-070 shall be no less than once per year.

(d) Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels, which may be monitored at less frequent intervals.

(e) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required by the department, to verify compliance with net

discharge limitations or removal requirements, to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the waters and sediments of the state.

(2) Recording of monitoring activities and results. Any general permit which requires monitoring of an authorized discharge shall require that:

(a) The permittee maintain records of all information resulting from any monitoring activities required as a condition of the application for, or as a condition of coverage under a general permit;

(b) Any records of monitoring activities and results shall include for all samples:

- (i) The date, exact place, and time of sampling;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods used; and
- (v) The results of such analyses; and

(c) The permittee retain for a minimum of five years any records of monitoring activities and all results of those activities including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee, or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The department may require the permittee to periodically report on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a general permit. In addition to the required reporting form, the department may require submission of such other reports as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, a responsible corporate officer or duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, a general partner.

(iii) In the case of a sole proprietorship, the proprietor.

(iv) In the case of a municipal, state, or other public facility, either a principal executive officer, ranking elected official, or other duly authorized employee.

(4) Except for flow, temperature, and internal process control parameters, all monitoring data required as a condition of a general permit, or required as part of an application for coverage under a general permit shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC within one year of first being covered under a general permit or by July 1, 1995, whichever is later.

#### NEW SECTION

**WAC 173-226-100 Prohibited discharges.** (1) No general permit issued by the department shall authorize any person to:

(a) Discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of the state;

(b) Discharge any pollutants that the Secretary of the Army acting through the Chief, Corps of Engineers, finds would substantially impair anchorage and navigation;

(c) Discharge any pollutant which the regional administrator, not having waived his/her right to object pursuant to section 402(e) of the FWPCA, has objected in writing pursuant to section 402(d) of the FWPCA;

(d) Discharge any pollutant in conflict with plans or amendment thereto approved pursuant to section 208(b) of the FWPCA;

(e) Discharge any pollutant subject to a toxic pollutant discharge prohibition under section 307 of the FWPCA; or

(f) Discharge any dangerous waste as defined in the Dangerous waste regulations, chapter 173-303 WAC, into a subsurface disposal system such as a well or drainfield.

(2) The following discharges to municipal sewerage systems are also prohibited:

(a) Waste materials that pass through the treatment works untreated or interfere with its operation or performance;

(b) Liquids, solids, or gases that, by reason of their nature or quantity, are or may be sufficient either alone or by interaction to:

(i) Cause fire or explosion;

(ii) Create a public nuisance or hazard to life;

(iii) Prevent entry into the sewers for their maintenance and repair; or

(iv) Be injurious in any other way to the operation of the system or the operating personnel;

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the system;

(d) Any wastewater having a pH less than 5.0 or greater than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter;

(e) Wastewater that would cause the influent temperature to exceed 40°C (104°F), unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter. In any case, any wastewater having a temperature which will interfere with the biological activity in the system is prohibited;

(f) Waste materials, including, but not limited to, oxygen demanding waste materials (BOD, etc.) released in either a slug load or continuous discharge of such volume or strength as to cause interference to the system;

(g) Any other discharge prohibited by federal or state law or regulation; and

(h) Any of the following discharges, unless approved by the department under extraordinary circumstances (such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions):

(i) Noncontact cooling water in significant volumes;

(ii) Storm water and other direct inflow sources;

(iii) Waste waters significantly affecting system hydraulic loading that do not require treatment or would not be afforded a significant degree of treatment by the system.

**NEW SECTION**

**WAC 173-226-110 Fact sheets.** (1) The department shall prepare a fact sheet for every draft general permit determination. Such fact sheets shall summarize the following:

- (a) The type of facility or activity which is the subject of the general permit;
- (b) The geographical area for which the general permit is valid;
- (c) The criteria for which coverage under a general permit will be approved;
- (d) A listing or some other means of identifying the facilities proposed to be covered under the general permit;
- (e) The information required by WAC 173-226-200(3), to be submitted as part of the application for coverage under the general permit;
- (f) The effluent characteristics for the category of dischargers being authorized under the general permit, including the following:
  - (i) The average rate or frequency of the proposed discharge;
  - (ii) For thermal discharges, the average summer and winter temperatures; and
  - (iii) The average and estimated range in pounds per day, or other appropriate units, of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under RCW 90.48.010, 90.52.040, 90.54.020, and sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;
  - (g) The effluent standards and limitations applied;
  - (h) The applicable water quality standards, including identification of the uses for which receiving waters have been classified;
  - (i) The conditions in the proposed general permit;
  - (j) The legal and technical grounds for the conditions contained in the general permit, including:
    - (i) An explanation of how conditions meet both the technology-based and water quality-based requirements of the FWPCA and chapters 90.48, 90.52, and 90.54 RCW;
    - (ii) An explanation of how the conditions meet the water quality standards of chapters 173-200 and 173-201A WAC; and
    - (iii) An explanation of how the conditions meet the sediment standards contained in chapter 173-204 WAC;
  - (k) If a dilution zone is authorized, pursuant to chapter 173-201A WAC, within which water quality standards are modified:
    - (i) A description of the allowed dilution zone;
    - (ii) The legal basis for providing a dilution zone; and
    - (iii) The technical basis for allowing a dilution zone and the basis for determining the size of the dilution zone;
  - (l) Any compliance schedules proposed as part of the general permit or as a part of the application process pursuant to WAC 173-226-180 and 173-226-200;
  - (m) How the draft permit addresses use or disposal of residual solids generated by wastewater treatment;
  - (n) The procedures for the formulation of final determinations (in more detailed form than that given in the public notice) including:
    - (i) The thirty-day comment period required by WAC 173-226-130(3), including the date and time after which

public comments will not be considered by the department in formulating the final determination on the draft general permit;

- (ii) The time and place of the public hearing(s); and
  - (iii) Any other procedures by which the public may participate in the formulation of the final determination; and
  - (o) A summary of the economic impact analysis required by WAC 173-226-120, including any mitigation proposed pursuant to WAC 173-226-120(2) for small business.
- (2) The department shall provide copies of general permit fact sheets to any interested person upon request.

**NEW SECTION**

**WAC 173-226-120 Economic impact analysis.** (1) The department shall prepare an economic impact analysis on all draft general permits which are intended to directly cover small business. The economic impact analysis shall be prepared on the draft general permit for which public notice is being provided pursuant to WAC 173-226-130(3).

(2) The purpose of the economic impact analysis is to reduce the economic impact of the general permit on small business by doing one or more of the following when it is legal and feasible in meeting the stated objectives of the FWPCA and chapter 90.48 RCW:

- (a) Establishing differing compliance or reporting requirements or timetables for small businesses;
  - (b) Clarifying, consolidating, or simplifying the compliance and reporting requirements under the general permit for small businesses;
  - (c) Establishing performance rather than design standards;
  - (d) Exempting small businesses from parts of the general permit.
- (3) The contents of an economic impact analysis of a proposed general permit shall include, at a minimum, the following:
- (a) A brief description of the compliance requirements of the general permit, including:
    - (i) The minimum technology based treatment requirements identified as necessary under WAC 173-226-070;
    - (ii) The monitoring requirements contained in the general permit;
    - (iii) The reporting and recordkeeping requirements; and
    - (iv) Any plan submittal requirements;
  - (b) The estimated costs of compliance, based upon existing data for facilities intended to be covered under the general permit. Costs shall include, consistent with subsection (2) of this section the following:
    - (i) The costs associated with (a) of this subsection; and
    - (ii) The costs of equipment, supplies, labor, and any increased administrative costs;
  - (c) A comparison, to the greatest extent possible, of the cost of compliance for small businesses with the cost of compliance for the largest ten percent of the facilities intended to be covered under the general permit. The economic impact analysis shall use one or more of the following as a basis for comparing costs:
    - (i) Cost per employee;
    - (ii) Cost per hour of labor;
    - (iii) Cost per one hundred dollars of sales.

(4) The following compliance costs associated with a general permit shall not be included in the economic impact analysis:

(a) The costs necessary to comply with chapters 173-200, 173-201, 173-204, and 173-224 WAC; and

(b) The costs associated with requirements of the general permit which result from conformity or compliance, or both, with federal law or regulations.

#### NEW SECTION

**WAC 173-226-130 Public notice.** The department shall provide public notice of all preliminary determinations to develop a general permit, all determinations not to develop a general permit after publishing such a preliminary determination, all draft general permit determinations, and the issuance of a final general permit. All public notices shall be circulated in a manner designed to inform interested and potentially affected persons of the proposed general permit.

(1) The department shall provide public notice of all preliminary determinations to develop a general permit as follows:

(a) The public notice shall be circulated within the geographical area of the proposed general permit. Such notice may include any or all of the following:

(i) Publishing, as a paid advertisement or legal notice, the department's preliminary determination in one or more major local newspapers throughout the area of proposed coverage;

(ii) Issuance of news releases, focus sheets, or newsletters;

(iii) Publication in the *State Register*;

(b) The department shall request comments on whether a general permit is appropriate for the proposed category of dischargers or whether individual permits are necessary;

(c) The public notice shall provide an opportunity for any interested or potentially affected party to submit information on dischargers proposed to be covered under a general permit including:

(i) Any documented information on the characteristics of the discharge including effluent quantity, quality, and any receiving water impacts. Information may be from an individual facility or be representative of the category as a whole; and

(ii) Any other relevant information;

(d) The department shall add the name of any person upon request to a general permit specific mailing list to receive information and notices related to the development of the general permit.

(2) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to subsection (1) of this section, the department shall provide public notice to that effect.

(3) The department shall provide public notice of every draft general permit as follows:

(a) The notice shall be circulated throughout the geographical area covered by the general permit. Such circulation may include any or all of the following:

(i) Posting for a period of thirty days in post offices, public libraries, and public places within the geographical area covered by the general permit;

(ii) Publishing the notice as a paid advertisement, display advertisement, or legal notice, in one or more major local newspapers of general circulation serving the area covered by the general permit;

(iii) Issuance of news releases, focus sheets, or newsletters.

(b) Notice shall be mailed to any person upon request, including all persons on the general permit specific mailing list established pursuant to subsection (1)(d) of this section and all persons on the mailing lists established pursuant to WAC 173-220-050 (1)(d).

(c) At least thirty days before the public hearing on the general permit the department shall have the following published in the *State Register*:

(i) The public notice contents contained in (f) of this subsection;

(ii) A reference to the relevant sections of chapter 90.48 RCW as the statutory authority for issuing the general permit;

(iii) The date on which the agency intends to issue the general permit;

(iv) A short explanation of the permit, its purpose, and anticipated effects; and

(v) A summary of the economic impact analysis required in WAC 173-226-120.

(d) The department shall provide a period of not less than thirty days following the last publication of the public notice, during which time interested persons may submit their written views on a draft general permit determination. All written comments submitted during the comment period shall be retained by the department and considered in the formulation of its final determination with respect to the draft general permit. The period for comment may be extended at the discretion of the department.

(e) The department shall make available during the public comment period:

(i) The draft general permit;

(ii) The fact sheet on the draft general permit required pursuant to WAC 173-226-110;

(iii) The economic impact analysis required pursuant to WAC 173-226-120;

(iv) A copy of the proposed application for coverage; and

(v) The notice required pursuant to WAC 173-226-130 (3)(c).

(f) The contents of the draft general permit public notice shall, at a minimum, summarize the following:

(i) The name, address, and phone number of the agency issuing the public notice;

(ii) The type of facilities and activities which are the subject of the general permit;

(iii) The geographical area for which the general permit is valid;

(iv) The criteria for which coverage under a general permit will be approved;

(v) A listing or some other means of generally identifying the facilities proposed to be covered under the general permit;

(vi) The tentative determination to issue a general permit;

(vii) The procedures for the formulation of final determinations, including the thirty-day comment period

required by (d) of this subsection and any other means by which interested persons may comment upon those determinations;

(viii) The date, time, and place when public hearings will be held on the draft general permit;

(ix) The address and phone number of state premises at which interested persons may obtain further information; and

(x) The date and time after which comments will not be considered by the department in formulating the final determination on the draft general permit.

(4) The department shall provide public notice of the issuance of a final general permit as follows:

(a) The notice of general permit issuance shall be circulated in a manner similar to that used to circulate the notice on the draft general permit in subsection (3)(a) of this section and shall be published in the *State Register*; and

(b) The notice of general permit issuance shall be provided to all persons on the general permit specific mailing list established pursuant to subsection (1)(d) of this section and all persons on the mailing lists established pursuant to WAC 173-220-050 (1)(d).

(c) The public notice of the issuance of a general permit shall contain:

(i) The name, address, and phone number of the agency issuing the public notice;

(ii) The type of facilities and activities which are the subject of the general permit;

(iii) The geographical area for which the general permit is valid;

(iv) The criteria for which coverage under a general permit will be approved;

(v) A listing or some other means of generally identifying the facilities proposed to be covered under the general permit;

(vi) A summary of the application process by which eligible dischargers may obtain coverage under the general permit;

(vii) An explanation of any changes to the final general permit, other than editing changes, and the principal reasons for adopting the changes;

(viii) A notice that the terms and conditions of the general permit may be appealed only by filing an appeal with the pollution control hearings board and by serving it upon the department within thirty days, and the process for doing so as contained in RCW 43.21B.310; and

(ix) The date after which the general permit shall be effective. The effective date of a general permit shall be no sooner than thirty days after the publication in the *State Register* of the public notice required pursuant to (a) of this subsection.

(5) For new operations, or for operations previously under permit for which an increase in volume or change in the character of the effluent is requested over that which was previously authorized, only:

(a) The applicant for coverage under a general permit shall cause notice to be circulated within the geographical area of the proposed discharge. Such circulation shall include:

(i) Publishing twice a notice in a newspaper of general circulation within the county in which the discharge is proposed to be made; and

(ii) Any other method the department may direct.

(b) The notice published pursuant to (a) of this subsection shall contain:

(i) The name, address, and location of the facility requesting coverage under the general permit;

(ii) The applicant's activities or operations that result in a discharge (e.g., storm water, fish farming, gravel washing);

(iii) The name of the general permit under which coverage is being requested; and

(iv) The statement: "Any person desiring to present their views to the department of ecology regarding this application may do so in writing within thirty days of the last date of publication of this notice. Comments shall be submitted to the department of ecology. Any person interested in the department's action on this application may notify the department of their interest within thirty days of the last date of publication of this notice."

#### NEW SECTION

**WAC 173-226-140 Notice to other government agencies.** The department shall notify other appropriate government agencies of each draft general permit determination and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification for NPDES and combined NPDES/state waste discharge general permits only, shall include the following:

(1) Transmission of the fact sheet, application form, and draft general permit to the regional administrator for comment or objection. The regional administrator shall be provided ninety days to comment on the draft permit prior to issuance by the department unless an alternative time period is mutually agreed on by the director and the regional administrator.

(2) Immediately following issuance, the department shall transmit a copy of every fact sheet, application form, and general permit along with any and all terms, conditions, requirements, or documents which are a part of the general permit, or which affect the authorization by the general permit, of the discharge of pollutants, to the regional administrator.

(3) At the time of issuance of the public notices pursuant to WAC 173-226-130 (1)(a), (3)(a), and (4)(a) the department shall transmit the public notices to any other states whose waters may be affected by the issuance of the general permit. Each affected state shall be afforded an opportunity to submit written comments pursuant to WAC 173-226-130 (1)(b) and (3)(d), to the department and to the regional administrator, which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations or comments.

(4) Unless waived by the respective agency, the public notices issued pursuant to WAC 173-226-130 (1)(a), (2), (3)(a), and (4)(a) shall be sent to the appropriate district engineer of the Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the state departments of fisheries, health, natural resources, wildlife, and social and health services, the office of archaeology and historic preservation, the agency respon-



sible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA, applicable Indian tribes, and any other applicable government agencies.

(5) A copy of any written agreement between the department and an agency identified in subsection (4) of this section which waives the receipt of public notices shall be forwarded to the regional administrator and shall be made available upon request to the public for inspection and copying.

(6) Copies of public notices issued pursuant to WAC 173-226-130 (1)(a), (2), (3)(a), and (4)(a) shall be mailed to any other federal, state, or local agency, Indian tribe, or any affected country, upon request. Such agencies shall have an opportunity to respond or comment on the draft general permit pursuant to WAC 173-226-130 (1)(b) and (3)(d).

#### NEW SECTION

**WAC 173-226-150 Public hearings.** (1) The department shall hold one or more public hearing(s) on all draft general permits. The public hearing shall be held during the public comment period provided pursuant to WAC 173-226-130 (3)(d).

(2) The date, time, and place will be at the discretion of the department provided:

(a) At least thirty days is provided between the time the public notice is published pursuant to WAC 173-226-130 (3)(a) and (c), and the time the hearing is held; and

(b) The hearing location is within the geographical area covered by the general permit.

(3) For new operations or for operations previously under permit for which an increase in volume or change in the character of the effluent has occurred only, any interested person may request a public hearing within thirty days of the last date of publication of the public notice required pursuant to WAC 173-226-130(5).

(a) All requests for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

(b) The department shall only consider issues regarding the general permits applicability or nonapplicability to the discharger when considering the need to hold a public hearing.

(4) The department shall cause a record to be made of all hearings required pursuant to this section. The record may be stenographic, mechanical, or electronic.

#### NEW SECTION

**WAC 173-226-160 Public access to information.** (1) In accordance with chapter 42.17 RCW and its published policy describing disclosure of public records, the department shall make identifiable public records relating to all general permits available to the public for inspection and copying.

(2) The department shall designate a general permit coordinator for each general permit. The coordinator shall:

(a) Have knowledge of the general permit being prepared;

(b) Maintain the records associated with the development of the general permit including the general permit file required pursuant to subsection (3) of this section;

(c) Be identified as the department contact in public notices regarding the general permit.

(3) The department shall prepare a general permit development file for each issued general permit. The general permit development file shall be available for public inspection subject to the provisions of this section. The general permit development file shall contain:

(a) Copies of all public notices required pursuant to WAC 173-226-130;

(b) A copy of the fact sheet required pursuant to WAC 173-226-110 and any other documents not readily available to the public which were used in developing the terms and conditions of the general permit;

(c) Copies of the draft and final general permits, the economic impact analysis, and the application for coverage;

(d) All written comments received during the public comment period required pursuant to WAC 173-226-130(3), on the draft general permit, fact sheet, economic impact analysis, and application for coverage;

(e) The record of public hearings produced pursuant to WAC 173-226-150(4); and

(f) The response to comments prepared pursuant to WAC 173-226-170(1).

(4) Pursuant to chapter 42.17 RCW, the department shall provide, upon request, any information submitted as part of an application for coverage under a general permit.

(5) The department shall add the name of any person, upon request, to a mailing list to receive notices of department actions associated with a general permit.

(6) The department shall provide facilities for the inspection of information relating to general permits and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either:

(a) Insure that a machine or device for the copying of papers and documents is available for a reasonable fee; or

(b) Otherwise provide for, or coordinate with copying facilities or services such that requests for copies of nonconfidential, identifiable public records be honored promptly.

(7) Pursuant to chapters 42.17, 43.21A, 70.105, and 90.52 RCW, the department shall protect any information (other than information on the effluent) contained in applications as confidential upon a showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person.

(8) Any information accorded confidential status, whether or not contained in an application form, shall be disclosed, upon request, to the regional administrator.

#### NEW SECTION

**WAC 173-226-170 Issuance of general permits.** (1) At the close of the public comment period required pursuant to WAC 173-226-130 (3)(d) the department shall prepare a response to all relevant comments received (both written and oral) and shall briefly describe any changes, other than editing changes, and the principal reasons for making the changes to the draft general permit.

(2) General permits shall be deemed issued upon signing by the director or by a person delegated the authority to issue general permits pursuant to chapter 173-06 WAC.



(3) The department shall provide public notice of the issuance of all final general permits pursuant to WAC 173-226-130 (4)(a).

(4) General permits become effective thirty days after the date of publication in the *State Register* of the public notice required pursuant to WAC 173-226-130 (4)(a) unless a later date is specified by the department.

#### NEW SECTION

**WAC 173-226-180 Compliance schedules.** (1) The department may establish schedules and permit conditions as necessary to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements contained in a general permit in any or all of the following ways:

(a) As a condition or schedule in a general permit;

(b) In an administrative order issued pursuant to chapter 90.48 RCW; and

(c) By any other method deemed appropriate by the department.

(2) Schedules of compliance shall reflect the shortest reasonable period of time necessary to achieve compliance consistent with the guidelines and requirements of the FWPCA.

(3) In any case where the period of time for compliance specified in subsection (1)(a) of this section exceeds one year, a schedule of compliance shall be specified that will set forth interim requirements and the dates for their achievement; however, in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement.

(4) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with each interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement contained in a general permit, or as submitted as part of an application for coverage under a general permit, such noncompliance shall constitute a violation of the general permit for which the department may revoke coverage under the general permit or take direct enforcement action pursuant to chapter 90.48 RCW.

#### NEW SECTION

**WAC 173-226-190 Appeals.** (1) The terms and conditions of a general permit as they apply to the appropriate class of dischargers are subject to appeal within thirty days of issuance of a general permit in accordance with chapter 43.21B RCW.

(2) The terms and conditions of a general permit, as they apply to an individual discharger, are appealable, within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to that individual discharger.

(3) The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under the general permit. If the terms and conditions of a general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

#### NEW SECTION

**WAC 173-226-200 Applications for coverage under a general permit.** (1) Following the public notice by the department of the issuance of a general permit, or at an alternate date as designated by the department, all dischargers who desire to be covered under the general permit shall notify the department of that fact on a form prescribed by the department no later than the following, unless a shorter application period is allowed in the general permit under which coverage is requested:

(a) For existing operations, applications for coverage shall be submitted no later than ninety days after the issuance date of the general permit under which coverage is requested;

(b) For new operations, applications for coverage shall be submitted no later than one hundred eighty days prior to the commencement of the activity that may result in the discharge to waters of the state.

(2) Unless specified otherwise in the general permit under which coverage is requested or the department responds in writing, coverage of a discharger under a general permit will automatically commence on the later of the following:

(a) The effective date of the general permit;

(b) The thirty-first day following the end of the thirty-day comment period required by WAC 173-226-130(4);

(c) The thirty-first day following receipt by the department of a completed application for coverage under a general permit; or

(d) A date specified by the department in the general permit.

(3) All applications for coverage under a general permit shall:

(a) Contain information necessary for adequate program implementation;

(b) Contain the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving streams;

(c) Bear a certification of correctness;

(d) Be signed:

(i) In the case of corporations, by a responsible corporate officer.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official; and

(e) Include any other information deemed relevant by the department.

(f) For new operations, or for operations for which an increase in volume of wastes or change in character of

effluent is requested over that previously authorized, applications for coverage shall also contain:

(i) A certification by the applicant that the public notice requirements of WAC 173-226-130(5) have been met; and

(ii) A certification by the applicant that the applicable SEPA requirements under chapter 197-11 WAC have been met.

(4) The department shall develop an application form for each general permit and shall make the application form available during the draft general permit public notice period. The department shall provide the application form to the regional administrator along with the draft and final general permit as required in WAC 173-226-140.

(5) Any previously issued individual permit shall remain in effect until terminated in writing by the department, except that continuation of an expired individual permit, pursuant to WAC 173-220-180(5), shall terminate upon coverage by the general permit.

(6) Where the department has determined that a discharger should not be covered under a general permit, it shall respond in writing within sixty days of receipt of an application for coverage stating the reason(s) why coverage cannot become effective and any actions needed to be taken by the discharger in order for coverage under the general permit to become effective.

(7) When an individual permit is issued to a discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

(8) Coverage under a general permit for domestic wastewater facilities shall be issued only to a public entity, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded; or

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities, such as mobile home parks, apartments, and condominiums, are not considered single commercial establishments for the purpose of this subsection.

(9) Coverage under a general permit for domestic wastewater facilities that are owned by nonpublic entities and under contract to a public entity, shall be issued to the public entity.

#### NEW SECTION

##### **WAC 173-226-210 Transfer of permit coverage.**

Coverage under a general permit is automatically transferred to a new discharger if:

(1) A written, signed agreement between the old and new discharger containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the director; and

(2) The director does not notify the old and new discharger of the director's intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the agreement mentioned in subsection (1) of this section.

#### NEW SECTION

**WAC 173-226-220 Duration and replacement of permits.** (1) General permits shall be issued for fixed terms not exceeding five years from the effective date.

(2) All permittees covered under a general permit shall submit a new application for coverage under a general permit or an application for an individual permit at least one hundred eighty days prior to the expiration date of the general permit under which the permittee is covered.

(3) When a permittee has made timely and sufficient application for the renewal of coverage under a general permit, an expiring general permit remains in effect and enforceable until:

(a) The application has been denied;

(b) A replacement permit has been issued by the department; or

(c) The expired general permit has been canceled by the department.

(4) Coverage under an expired general permit for permittees who fail to submit a timely and sufficient application shall expire on the expiration date of the general permit.

#### NEW SECTION

**WAC 173-226-230 Modification and revocation of general permits.** (1) A general permit may be modified, revoked and reissued, or terminated, during its term for cause including, but not limited to, the following:

(a) A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under the general permit;

(b) Effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under the general permit;

(c) A water quality management plan containing requirements applicable to the category of dischargers covered under the general permit is approved;

(d) Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable; or

(e) A toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is more stringent than any limitation upon such pollutant in the permit.

(2) In the event that the director has determined to modify or revoke, in whole or in part, a general permit pursuant to subsection (1) of this section the director shall notify, in writing, all dischargers covered under the general permit. The notification shall include:

(a) The reason(s) why the general permit is being revoked or modified;

(b) The process for appealing the determination pursuant to RCW 43.21B.310;

(c) An application form and a time limit for submitting the application; and

(d) Any other information determined to be relevant by the department.

NEW SECTION

**WAC 173-226-240 Revocation of coverage under a general permit.** (1) The director may terminate coverage under a general permit for cause. Cases where coverage under a general permit may be terminated include, but are not limited to, the following:

- (a) Violation of any term or condition of the general permit;
- (b) Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;
- (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- (d) A determination that the permitted activity endangers human health, safety, or the environment, or contributes to water or sediment quality standards violations;
- (e) Incorporation of an approved local pretreatment program into a municipality's permit;
- (f) Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(5);
- (g) Failure or refusal of the permittee to allow entry as required in RCW 90.48.090; or
- (h) Nonpayment of permit fees assessed pursuant to RCW 90.48.465.

(2) The director may require any discharger to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit. In cases where the director requires any discharger to apply for an individual permit, or for another general permit, the discharger must be notified in writing that another permit is required. This notice shall include a statement of why another permit is being required, an application form, and a time limit for submitting the application.

(3) Any interested person may petition the director to require a discharger authorized by a general permit to apply for and obtain an individual permit.

(4) Any discharger authorized by a general permit may request to be excluded from coverage under a general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040 with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

(5) Where the department has determined that a discharger should no longer be covered under a general permit it shall notify the discharger in writing stating the reason(s) why coverage is no longer appropriate, and any actions required of the discharger in order for coverage under the general permit to remain effective.

(6) The discharger shall have thirty days to respond to any notification provided pursuant to subsection (5) of this section before coverage under a general permit shall be automatically revoked.

NEW SECTION

**WAC 173-226-250 Enforcement.** (1) The department, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any general permits or conditions thereof

without the necessity of a prior revocation of coverage under the general permit.

(2) The department may enter any premises in which an effluent source is located or in which records are required to be kept under terms or conditions of a general permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, or effluent standards and limitations, or of general permit terms or conditions thereof.

(3) The department may assess or, with the assistance of the attorney general, sue to recover in court, such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of:

- (a) Any effluent standards and limitations or water quality standards;
- (b) Any general permit or term or condition thereof;
- (c) Any filing requirements;
- (d) Any duty to permit or carry out inspection, entry, or monitoring activities; or
- (e) Any rules, regulations, or orders issued by the department.

(4) The department may request the prosecuting attorney to seek criminal sanctions for the violation by such persons of:

- (a) Any effluent standards and limitations or water quality standards;
- (b) Any permit or term or condition thereof; or
- (c) Any filing requirements.

(5) The department, with the assistance of the prosecuting attorney, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any monitoring device or method required to be maintained by the department.



**WSR 93-10-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**  
 (Chiropractic Disciplinary Board)  
 [Order 359B—Filed April 22, 1993, 3:59 p.m.]

Date of Adoption: April 22, 1993.

Purpose: To adopt two new rules regarding mandatory reporting.

Statutory Authority for Adoption: RCW 18.26.110.

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

Reasons for this Finding: To protect the public from unprofessional conduct by a chiropractor and to facilitate interagency cooperation.

Effective Date of Rule: Immediately.

April 22, 1993  
 Yvonne Braeme  
 Executive Director  
 Health Unit 1

NEW SECTION

**WAC 246-807-396 Professional standards review organizations.** Unless prohibited by federal or state law, every professional standards review organization operating within the State of Washington shall report to the board any determinations that a chiropractor has engaged or is engaging in consistent, excessive utilization of any chiropractic test, treatment or procedure when such procedures are unnecessary under the circumstances in which such services were provided.

NEW SECTION

**WAC 246-807-395 State and federal agencies.** The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a chiropractor has been judged to have demonstrated incompetency or negligence in the practice of chiropractic, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition.

**WSR 93-10-015**  
**EMERGENCY RULES**  
**FOREST PRACTICES BOARD**  
 [Filed April 27, 1993, 11:10 a.m.]

Date of Adoption: February 10, 1993.

Purpose: To correct the citation of Title 173 WAC in WAC 222-30-040 (2)(d). The correct citation is chapter 173-201A WAC. This rule has been filed as a proposed rule with the code reviser.

Citation of Existing Rules Affected by this Order: Amending WAC 222-30-040.

Statutory Authority for Adoption: RCW 76.09.040 and 34.05.350.

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

Reasons for this Finding: This emergency rule corrects the citation of the Department of Ecology water quality Title 173 WAC in the new forest practices rule WAC 222-30-040 (2)(d) adopted June 26, 1992.

Effective Date of Rule: Immediately.

March 5, 1993  
 Jennifer M. Belcher  
 Commissioner of Public Lands

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 ((173-203-030)).

\*(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.

**WSR 93-10-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 93-28—Filed April 29, 1993, 3:04 p.m.]

Date of Adoption: April 29, 1993.

Purpose: Commercial fishing regulations.

EMERGENCY

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: A harvestable quota of chinook salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law.

Effective Date of Rule: Immediately.

April 29, 1993  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-24-02000T Commercial salmon troll.**

Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m., May 1, 1993 it is lawful to fish for and possess salmon except coho salmon taken from these waters, except for Washington waters in a closed control zone at the mouth of the Columbia River, described as those waters inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) This season will close when a chinook guideline of 30,400 is taken or June 15, 1993, whichever is earlier.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon smaller than 28 inches in total length may be taken or retained in the fishery provided for herein. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(6) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

**WSR 93-10-044**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 93-30—Filed April 29, 1993, 3:06 p.m.]

Date of Adoption: April 29, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07100K; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This rule clarifies the closure line at Eagle Harbor, conforming the line with recommendations of the Department of Health. This closure is for the economic well-being of the sea cucumber industry.

Effective Date of Rule: Immediately.

April 29, 1993  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-52-07100L Sea cucumbers.** Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice it is unlawful to commercially fish for or possess sea cucumbers taken from:

(1) The waters of Eagle Harbor westerly of a line projected from Wing Point to Eagle Harbor Creosote Light number one and then due west to the shoreline of Bainbridge Island.

(2) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veterans Home in Annapolis.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100K Sea cucumbers. (93-25)

**WSR 93-10-045**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 93-27—Filed April 29, 1993, 3:08 p.m.]

Date of Adoption: April 28, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-190.

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,

EMERGENCY

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.

((7/92)) 4/93. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

Reasons for this Finding: A limited number of chinook salmon are available for harvest. Coho protection needs dictate release of all coho salmon. This rule is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: Immediately.

April 28, 1993  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-19000P Saltwater seasons and bag limits - Salmon.** Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Catch Record Card Areas 1, 2, 3, and 4, except as provided for in this section:

(1) Catch Record Card Area 4 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line - Open May 1 through May 31, 1993. Bag limit F, except that coho salmon may not be retained.

**WSR 93-10-051**

**EMERGENCY RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 30, 1993, 8:15 a.m.]

Date of Adoption: April 27, 1993.

Purpose: Amend rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 390-16-011 and 390-16-012.

Statutory Authority for Adoption: RCW 42.17.370.

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: Forms need to be amended to bring them into conformance with Initiative 134.

Effective Date of Rule: Immediately.

April 28, 1993  
Graham E. Johnson  
Executive Director

AMENDATORY SECTION (Amending WSR 92-18-002, filed 8/20/92)

**WAC 390-16-011 Forms—Registration statement for political committees.** The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc", revised

EMERGENCY



REGISTRATION: POLITICAL COMMITTEES

C1P (7/92) PDC OFFICE USE RECEIVED

Committee Name (Show entire official name.) Acronym Mailing Address City County Zip + 4

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? COMMITTEE STATUS

1. What is the purpose or description of the committee? Political Party, Central Committee, District Club, etc. Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Political Action Committee. Other.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN... ABBREVIATED REPORTING FULL REPORTING

4. Treasurer's Name and Address (List deputy treasurers on attached sheet.) Daytime Telephone Number

5. Committee's Principal Officers. List name, address and title. 6. Campaign Bank or Depository.

7. Campaign records are to be open for public inspection the last eight days before the election. Street Address (Do not use a Post Office Box Number) Hours

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices... 9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee treasurer's signature Date



Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes: I already have forms and instructions. I will get forms and instructions from my county elections office. I want the Public Disclosure Commission to mail me the proper forms and instructions.

EMERGENCY





PDC FORM	
<b>C1</b>	<b>P C</b>
(792)	
<b>POLITICAL COMMITTEE REGISTRATION STATEMENT</b>	

OLD

**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)** File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original** to PDC at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**

Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post-primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.

Full Reporting: Required of all committees that do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**

C-3 (Cash Receipts Report): Used with Full Reporting only.

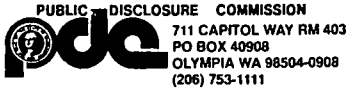
C-4 (Contribution and Expenditure Report): Used with Full Reporting only.

C-4 ABB (Receipts and Expenditures Summary): Filled by candidates and committees using Abbreviated Reporting.

Special Report E (Earmarked Contributions Report): Filled by committees that receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

**For assistance, call or write PDC!**

EMERGENCY



REGISTRATION: POLITICAL COMMITTEES

C1P (4/93) P O A R K R E C E I V E D PDC OFFICE USE

Committee Name (Show entire official name.) Acronym Mailing Address City County Zip + 4

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? COMMITTEE STATUS

1. What is the purpose or description of the committee? Bona Fide Political Party Committee, Ballot Committee, Political Action Committee, etc.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN... ABBREVIATED REPORTING, FULL REPORTING

4. Treasurer's Name and Address (List deputy treasurers on attached sheet.) Daytime Telephone Number

5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository. Branch City

7. Campaign records are to be open for public inspection the last eight days before the election. Street Address Hours

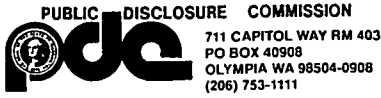
8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.



9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee treasurer's signature Date

Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes: I already have forms and instructions, I will get forms and instructions from my county elections office, I want the Public Disclosure Commission to mail me the proper forms and instructions.

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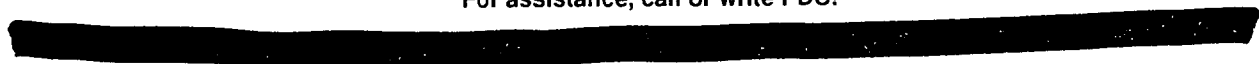


**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)** File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**
  - Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.
  - Full Reporting: Required of all committees that do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.
  - Special Report E (Earmarked Contributions Report): Filed by committees that receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.

**For assistance, call or write PDC!**



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.

EMERGENCY

AMENDATORY SECTION (Amending WSR 92-18-002, filed 8/20/92)

WAC 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised ((7/92)) 4/93. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.



PUBLIC DISCLOSURE COMMISSION  
711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

REGISTRATION:  
CANDIDATES/CANDIDATE COMMITTEE

C1	PDC OFFICE USE
	P M O A S R T K  R E C E I V E D

Candidate's Name (Do not abbreviate. Include candidate's full name) \_\_\_\_\_

Candidate's Committee Name (Do not abbreviate.) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip + 4 \_\_\_\_\_

1. What office are you running for? \_\_\_\_\_ Office \_\_\_\_\_ District, County or City \_\_\_\_\_ Position No. \_\_\_\_\_

2. Political party (if partisan office) \_\_\_\_\_ 3. Date of general or special election \_\_\_\_\_

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

- Option I MINI REPORTING**  
I will limit contributions or expenditures during this campaign to my filing fee of \$ \_\_\_\_\_ plus no more than \$500, including charges for the voters pamphlet. I will accept no more than \$200 in the aggregate from any contributor except myself.
- Option II ABBREVIATED REPORTING**  
I will use the Abbreviated Reporting System. I will raise and spend no more than \$2,000 and will accept no more than \$200 in the aggregate from any contributor except myself.
- Option III FULL REPORTING**  
I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's Name and Address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) \_\_\_\_\_ Daytime Telephone Number ( ) \_\_\_\_\_

6. Committee's Principal Officers. List name, address and title. \_\_\_\_\_

7. Campaign Bank or Depository \_\_\_\_\_ Branch \_\_\_\_\_ City \_\_\_\_\_

8. Related or Affiliated Political Committees. List name, address and relationship. \_\_\_\_\_

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:  
Street Address (Do not use a Post Office Box Number) \_\_\_\_\_ Hours \_\_\_\_\_

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.



11. CERTIFICATION:  
I certify that this report is true, complete and correct to the best of my knowledge.

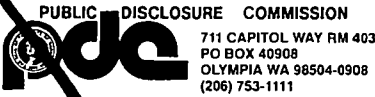
Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

- I already have financial affairs and campaign disclosure forms and instructions.
- I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.
- I will obtain all forms and instructions from my county elections office.
- I want PDC to mail me:  the F-1 instruction booklet (which includes forms)  the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT:  
ORIGINAL — Public Disclosure Commission  
COPY — County Elections Dept. (Auditor)  
COPY — Your own records

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<b>PDC FORM</b> <b>C1</b> <small>(7/92)</small>	<b>CANDIDATE  REGISTRATION  STATEMENT</b>
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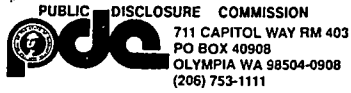
### INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions that had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to County Auditor** (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All candidates and campaign workers are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in campaign accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to other candidates or committees; reimbursed to candidates for lost earnings or campaign loans used for political or community activity or for nonreimbursed public office related expenses; or donated to the State General Fund.

For assistance, call or write PDC!

EMERGENCY



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

N.C.W

Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Mailing Address

City

County

Zip + 4

C1

(4/93)

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D

PDC OFFICE USE

1. What office are you running for?

Office

District, County or City

Position No.

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

Option I MINI REPORTING

I will limit contributions or expenditures during this campaign to my filing fee of \$\_\_\_\_\_ plus no more than \$500, including charges for the voters pamphlet. I will accept no more than \$200 in the aggregate from any contributor except myself.

Option II ABBREVIATED REPORTING

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Option III FULL REPORTING

I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's Name and Address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.)

Daytime Telephone Number

( )

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository

Branch

City

8. Related or Affiliated Political Committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.



11. CERTIFICATION:

I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's signature

Date

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

I already have financial affairs and campaign disclosure forms and instructions.

I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.

I will obtain all forms and instructions from my county elections office.

I want PDC to mail me:  the F-1 instruction booklet (which includes forms)  the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT:

ORIGINAL — Public Disclosure Commission

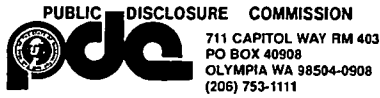
COPY — County Elections Dept. (Auditor)

COPY — Your own records

PDC form C-1 (rev. 4/93) -1499-C1-

See instructions on reverse

EMERGENCY



PDC FORM <b>C1</b>	<b>CANDIDATE REGISTRATION STATEMENT</b>
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1/1-11

### INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions that had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to County Auditor** (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
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  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All candidates and campaign workers are encouraged to follow the Code's principles.

EMERGENCY

For assistance, call or write PDC!



**WSR 93-10-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 612—Filed April 30, 1993, 12:55 p.m.]

Date of Adoption: April 30, 1993.

Purpose: Postponing the starting date of the closed season.

Citation of Existing Rules Affected by this Order: Amending WAC 332-26-080.

Statutory Authority for Adoption: RCW 76.04.005(2).

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: Current and predicted weather conditions allow for the delay of the start of the closed season, as defined in RCW 76.04.005(2), until May 15, 1993.

Effective Date of Rule: Immediately.

April 30, 1993  
Kaleen Cottingham  
Supervisor

AMENDATORY SECTION (Amending Emergency WSR 93-09-020, filed 4/15/93)

**WAC 332-26-080 Closed season.** The start of the Closed Season, as defined in RCW 76.04.005(2), for 1993 shall be delayed until (~~May 1~~) May 15.

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

**WSR 93-10-060**  
**EMERGENCY RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed April 30, 1993, 2:55 p.m., effective May 1, 1993]

Date of Adoption: April 23, 1993.

Purpose: Amended to eliminate certain fee increases adopted by the commission on January 29, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-250, 352-32-252, 352-12-020, and 352-12-030.

Statutory Authority for Adoption: RCW 42.51.040.

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

Reasons for this Finding: It is the policy of the state that certain lands be set aside and managed for recreational purposes. Providing recreational opportunities for the public serves the public welfare by providing necessary diversions

from the pressures of our daily lives. On January 29, 1993, the Washington State Parks and Recreation Commission adopted a package of new and increased user fees for state park patrons, effective May 1, 1993. The purpose of these fees was to avoid multiple park closures and service level reductions as a consequence of projected decreased agency funding levels in the 1993-95 operating budget. Since the commission's January 29 action, versions of the 1993-95 operating budget put forth by Governor Lowry and the senate require the increased revenues generated by this fee package and maintain the agency at current funding levels. However, the house budget requires the same level of revenue generation while restricting the agency's ability to raise revenues and reducing the agency's funding, thereby nullifying any relief the fee package may have provided as an alternative to park closures and/or service level reductions. During its January 29 and April 23, 1993, meetings, members of the public testified that the fees approved by the commission might unreasonably restrict access to park areas due to the increased expense of access and use. The commission finds that implementation of the January 29, 1993, fee package in addition to the park closures and/or service modifications required by the agency funding levels in the house 1993-95 operating budget would adversely affect recreational opportunities in the state and would be contrary to the public interest. Consequently, the commission at its April 23, 1993, meeting rescinded the fee increases adopted during its January 29 meeting. The commission has done so by emergency rule to ensure that the fees do not go into effect on May 1, 1993, as originally intended by the commission, finding that observation of the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Effective Date of Rule: May 1, 1993.

April 23, 1993  
Robert C. Peterson  
Chair

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

**WAC 352-12-020 Moorage fees.** (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, (~~(\$11.00)~~) \$9.00 per night;

(b) Vessels under twenty-six feet in length, (~~(\$8.00)~~) \$6.00 per night: *Provided, however,* This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;

(c) Vessels moored to state park buoys, \$5.00 per night: *Provided further,* Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.



(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

**WAC 352-12-030 Annual moorage permits.** (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost ~~(((\$55.00))~~ \$45.00; for vessels under twenty-six feet in length shall cost ~~(((\$35.00))~~ \$27.00: *Provided, however, Effective January 1, ((1994)) 1992, the permit for vessels twenty-six feet in length and over shall cost (((\$80.00))* \$55.00 and for vessels under twenty-six feet in length shall cost ~~(((\$50.00))~~ \$35.00.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

**WAC 352-32-250 Standard fees charged.** The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: ~~(((\$10.00 per night))~~ \$8.00;

(2) Overnight camping - utility campsite: ~~(((\$14.00 per night))~~ \$12.00. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping - primitive campsite: ~~(((\$5.00 per night))~~ \$4.00 for nonmotorized vehicle and ~~(((\$7.00))~~ \$5.50 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(6) Group camping area - certain parks: ~~(((\$1.00))~~ \$0.75 per person per day and/or night; nonrefundable reservation fee - \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: \$4.45 per camper per night;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: \$5.45 per camper per night;

(b) Environmental learning center - day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group - whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle overnight parking fee: \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle;

(15) Campsite reservations - see WAC 352-32-035(6);

~~(((\$16) Boat launch fee—\$5.00 per day for one or more launches per watercraft per day: *Provided*, said fee shall not be imposed on vehicles of persons camping within the state park area containing such boat launch; and, *Provided*, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, *Provided*, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, *Provided*, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability or veteran disability passes; and, *Provided*, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law; and, *Provided*, said fee shall not be imposed on vehicles properly displaying a valid annual boat launch permit;~~

~~(((\$17) Annual boat launch permit fee—\$50.00 per calendar year per boat launching vehicle for issuance of an annual boat launch permit. Such permits may be obtained~~

by submitting an application therefor to Washington state parks and recreation commission regional offices, or by writing to the Washington State Parks and Recreation Commission headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington, 98504-2650. Permits must be displayed in conformance with instructions set forth thereon.

~~(18) Trailer dump station fee—\$3.00 per use: *Provided*, such fee shall not be imposed on recreational vehicles using the dump station while camping within the state park area containing the dump station;~~

~~(19) Popular destination park fee—\$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of May 21 through September 14;~~

~~(20) Day area parking fee—\$3.00 per vehicle per day for use of any designated day area parking space during the period of May 21 through September 14: *Provided*, said fee shall not be imposed on vehicles used for boat launching which are subject to a boat launch fee as set forth in subsection (16) of this section; and, *Provided*, said fee shall not be imposed on vehicles of persons camping within the state park area containing such day area parking space; and, *Provided*, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, *Provided*, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, *Provided*, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability or veteran disability passes; and, *Provided*, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law;~~

~~(21) Marine trail camping area fee—certain parks: \$1.00 per person per day and/or night.)~~

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

**WAC 352-32-252 Off-season senior citizen pass—Fee.** (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, ((effective October 1 through March 31)) between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be \$30.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up

to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

**WSR 93-10-061  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 93-29—Filed April 30, 1993, 4:20 p.m.]

Date of Adoption: April 30, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state rules with Yakima Indian Nation regulations.

Effective Date of Rule: Immediately.

April 30, 1993  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-32-05500C Columbia River tributaries—Subsistence.** Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakima treaty to take or possess salmon taken for subsistence purposes from the Yakima River, the Klickitat River, Icicle Creek, the Wind River, or the Columbia River in the vicinity of Ringold Hatchery, except under the following provisions:

(1) the Yakima River from Horn Rapids Dam to Wapato Dam is open noon Tuesday to 6 p.m. Saturday of each week from April 13 through June 26.

(2) the Klickitat River from the Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6 p.m. Saturday of each week from April 7 through May 29.

(3) Icicle Creek where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open 9 p.m. Wednesday to noon Saturday of each week from May 5 through June 26.

(4) the Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open 6 a.m. Monday to 6 p.m. Saturday of each week from April 1 through June 12.

(5) the Wind River from 200 feet above Shipperd Falls upstream to the outlet stream for Carson National Fish Hatchery is open 6 a.m. Monday to 6 p.m. Saturday of each week from June 1 through June 26.

(6) Columbia River from a marker approximately 1/2 mile upstream of Ringold Hatchery rearing pond outlet downstream to a marker approximately 1/4 mile downstream of Ringold wasteway outlet is open 6 a.m. Monday to 6 p.m. Saturday of each week from April 1 through July 31.

**WSR 93-10-094**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 93-31—Filed May 4, 1993, 4:21 p.m.]

Date of Adoption: May 4, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-44-05000C; and amending WAC 220-44-050 and 220-44-090.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: These regulations were adopted by the Pacific Fisheries Management Council and will be implemented by the National Marine Fisheries Service. This regulation is intended to control harvest and promote conservation of west coast groundfish stocks. The trip limit for sablefish ends May 11, 1993. A hold inspection program will assure that the trip limits are effective through May 11th.

Effective Date of Rule: Immediately.

May 4, 1993  
Judith Freeman  
Deputy  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-44-05000D Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. April 21, 1993, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting

Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours April 21 to 2400 hours May 4;  
0001 hours May 5 to 2400 hours May 18;  
0001 hours May 19 to 2400 hours June 1;  
0001 hours June 2 to 2400 hours June 15;  
0001 hours June 16 to 2400 hours June 29;  
0001 hours June 30 to 2400 hours July 13;  
0001 hours July 14 to 2400 hours July 27;  
0001 hours July 28 to 2400 hours August 10;  
0001 hours August 11 to 2400 hours August 24;  
0001 hours August 25 to 2400 September 7;  
0001 hours September 8 to 2400 hours October 5;  
0001 hours October 6 to 2400 hours October 19;  
0001 hours October 20 to 2400 hours November 2;  
0001 hours November 3 to 2400 hours November 16;  
0001 hours November 17 to 2400 hours November 30;  
0001 hours December 1 to 2400 hours December 14;  
0001 hours December 15 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours April 21 to 2400 hours May 18;  
0001 hours May 19 to 2400 hours June 15;  
0001 hours June 16 to 2400 hours July 13;  
0001 hours July 14 to 2400 hours August 10;  
0001 hours August 11 to 2400 hours September 7;  
0001 hours September 8 to 2400 hours October 5;  
0001 hours October 6 to 2400 hours November 2;  
0001 hours November 3 to 2400 hours November 30;  
0001 hours December 1 to 2400 hours December 31;

(c) Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week - Wednesday through the following Tuesday.

(2) Widow rockfish - Cumulative trip limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

EMERGENCY

(3) Shortbelly rockfish - No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch - No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings or more than 3,000 pounds per vessel trip. No minimum size.

(5) Sebastes complex - All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastolobus* spp.) - cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 6,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

(6) Black rockfish - The trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(7) Deepwater complex - Sablefish, Dover sole, and thornyhead rockfish - cumulative trip limit of 60,000 pounds per fixed four week period. No more than 35,000 pounds of this amount may be thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period. The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels - Landings above 1,000 pounds of sablefish are allowed only if sablefish represent 25 percent or less of the total combined weight of the legal deepwater complex onboard. To determine the amount of sablefish allowed, multiply Dover sole and thornyhead by .33. No more than 5,000 pounds of sablefish may be smaller than 22 inches in length in any landing. Minimum size for dressed sablefish is 15.5 inches from the anterior insertion of the first dorsal fin to the tip of the tail. To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels - Immediately until further notice; 250 pounds (round weight) daily trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

Non-trawl sablefish landings are prohibited from 0001 hours May 9 to 2400 hours May 11. Fishing gear may remain in the water during this period.

Beginning 0001 hours on May 12, no restrictions on the total amount of non-trawl sablefish landed, except that no more than 1,500 pounds (round weight) or 3% of all sablefish on board may be less than 22 inches total length. Minimum length for dressed sablefish is 15.5 inches measured from the origin of the first dorsal fin to the upper lobe of the caudal fin. This unrestricted fishery will continue until such time that the Pacific Fishery Management Council determines that a sufficient portion of the sablefish harvest guideline remains to allow for a 250 pound trip limit for the

remainder of the calendar year. A 3-day period of landing prohibition will immediately follow the period of unrestricted fishing.

(8) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative trip limit, vessel trip limit or daily trip limit.

(9) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000C Coastal bottomfish catch limits.  
(93-26)

#### NEW SECTION

**WAC 220-44-09000B Coastal bottomfish—Hold inspections.** Notwithstanding the provisions of WAC 220-44-090, effective May 12, 1993 until further notice, it is unlawful for vessels other than trawl vessels to land sablefish into any Washington State port unless the provisions of this section have been complied with:

(1) During a period of either thirty days or until the unrestricted sablefish fishery ends, whichever occurs first, any fisher intending to land sablefish taken with gear other than trawl gear must have a Washington sablefish vessel hold inspection certificate.

(2) The inspection certificate will be issued to properly licensed vessels made available for inspection in the ports of Bellingham, Neah Bay, La Push, Westport and Ilwaco, beginning on May 11, 1993.

(3) Inspections will be performed by authorized department personnel not earlier than May 11, 1993, and during the following thirty-one day period, or until the unrestricted sablefish fishery ends, whichever occurs first.

**WSR 93-10-096**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 93-32—Filed May 4, 1993, 4:28 p.m.]

Date of Adoption: May 4, 1993.

Purpose: Personal use rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Area 2 and the above described portion of Razor Clam Area 3. Department of Health has not certified clams from Razor Clam Area 1 as safe for human consumption at this time. Digging clams determined to [be] unsafe for human consumption would constitute wastage.

Effective Date of Rule: Immediately.

May 4, 1993  
 Judith Freeman  
 Deputy  
 for Robert Turner  
 Director

#### NEW SECTION

**WAC 220-56-36000E Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3 or except as provided for in this section:

(1) Razor clam digging is allowed in Razor Clam Area 3 from 12:01 a.m. through 11:59 a.m. on odd days only, effective immediately through May 11, 1993.

(2) Razor clam digging is allowed in Razor Clam Area 3 from the Grays Harbor north jetty north to the Moclips River and from Olympic National Park Beach Trail 2 (Kalaloch area, Jefferson County) to Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County) only.

(3) Razor clam digging is allowed in Razor Clam Area 2 from 12:01 a.m. through 11:59 a.m. everyday effective immediately through May 11, 1993.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-3744.

(5) Razor Clam Area 1 will remain closed to digging or possession of razor clams until further notice.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000D      Razor clams—Areas and seasons. (93-18)



**WSR 93-10-003**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**MARINE SAFETY**  
[Memorandum—April 20, 1993]

The Grays Harbor/Pacific Coast RMSC has cancelled their regularly scheduled meetings in May, June, July, August, and September. The next meeting will be held on October 19, 1993, beginning at 1:00 p.m., at the Office of Marine Safety, 711 State Avenue N.E., Second Floor, Olympia, WA. For further information please contact Geri Nelson at (206) 664-9128.

**WSR 93-10-009**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN AMERICAN AFFAIRS**  
[Memorandum—April 20, 1993]

Please be notified that we are moving our June 26 meeting in Spokane to May 22. If you have any questions, please call our Seattle office.

**WSR 93-10-010**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**  
[Memorandum—April 21, 1993]

Please be advised of the following board meeting changes for Tacoma Community College:

From: May 13 To: May 20, 1993  
From: June 10 To: June 9, 1993

The time and location remain the same: 4:00 p.m in the Baker Room, LRC, Building #7.

**WSR 93-10-014**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**WATER QUALITY AUTHORITY**  
[Memorandum—April 22, 1993]

There have been three changes in the facilities in which the regular monthly meetings of the Puget Sound Water Quality Authority will be held for the year ending December 1993. The three months that have been altered are June, September and December.

The meetings generally start at 9:30 a.m., any variation from this starting time will be announced in advance. Persons interested in more information about the meetings are invited to call Duane Fagergren at 493-9306 (in Lacey) or 1-800-SOUND [1-800-54-SOUND].

May 19, 1993	Olympia	Thurston County Courthouse Building 1, Room 152 2000 Lakeridge Drive S.E. Olympia
June 9, 1993	Seattle	Urban League 105 14th Avenue Seattle

July 21, 1993	Friday Harbor	San Juan County Courthouse Commissioners Hearing Room 135 Rhone Street Friday Harbor
August 18, 1993	Federal Way	Federal Way Water and Sewer Golf Fun Conference Room 31531 1st Avenue South Federal Way
September 15, 1993	Puyallup	Pierce County Library South Hill Branch 15420 Meridian East Puyallup, WA 98373
October 20, 1993	Port Angeles	Clallam County Public Utility District 2431 East Highway 101 Port Angeles
November 17, 1993	Kirkland	Kirkland Library 406 Kirkland Avenue Kirkland
December 15, 1993	Seattle	Port of Seattle Commission Chambers 2711 Alaskan Way, Pier 69 Seattle

**WSR 93-10-031**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
[Memorandum—March 8, 1993]

The Seattle Community College District board of trustees will hold a work session, to begin at 4:30 p.m., prior to their regularly scheduled meeting at 6:00 p.m., on Tuesday, May 4, 1993. This meeting will be held at the Siegal Center, 1500 Harvard, Seattle, WA 98122.

**WSR 93-10-032**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 1**  
[February 8, 1993]

**SCHOOLS—DISTRICTS—EMPLOYERS AND EMPLOYEES—TEACHERS—SICK LEAVE—FAMILY LEAVE—Ability of a School District Board of Directors to Grant Family Leave**

1. RCW 28A.400.300 requires school districts to grant employees a minimum of 10 days per year of leave for illness, injury, and emergencies. The maximum leave that can be accrued for this purpose is 12 days per year. Within this minimum and maximum a school district board of directors can define how such leave is to be used. If the board defines leave for illness, injury, and emergencies so that it only applies to the employee's illness, injury, and emergencies, then the board has the authority to authorize employee leave beyond the 12-day limit to care for sick family members.
2. RCW 49.12.270 requires employers to permit employees to use sick leave to care for their sick children. RCW 49.12.270 does not limit the ability of a school district board of directors to allow family leave to care for sick family members beyond the 12-day limit for leave for illness, injury, and emergencies.

MISCELLANEOUS

Requested by:

Honorable Harriet Spanel  
State Senator, District 40  
412 John A. Cherberg Building  
P.O. Box 40440  
Olympia, WA 98504-0440

**WSR 93-10-033**

**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 2**  
[March 10, 1993]

**DEPARTMENT OF FISHERIES—FISH—Authority of the Department of Fisheries to Regulate Landings of Fish Caught Outside Washington and to Regulate Size Limits Based on Different Types of Fishing Gear**

1. The Department of Fisheries has the authority to require that salmon caught in Canadian waters meet landing size and possession limits of the State of Washington when the fish are landed at Washington ports.
2. The Department of Fisheries has the authority to set size limits based upon the type of gear being used by the fisherman.

Requested by:

Honorable Lorraine Wojahn  
State Senator, District 27  
407 Legislative Building, MS 0427  
Olympia, WA 98504-0427

**WSR 93-10-034**

**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 3**  
[March 19, 1993]

**INITIATIVE 276—CAMPAIGN CONTRIBUTIONS—ELECTIONS—PUBLIC DISCLOSURE COMMISSION—FINES—FUNDS—Requirement for out-of-state organizations to report campaign contributions under Initiative 276.**

1. RCW 42.17.080-.090 require political committees to report campaign contributions to the Public Disclosure Commission. This requirement only applies to political committees. An organization is only a political committee if a primary purpose of the organization is to affect, directly or indirectly, governmental decision making by supporting or opposing candidates or ballot propositions.
2. Washington must have jurisdiction over an out-of-state political committee in order to impose its campaign reporting requirements. To obtain jurisdiction there must be purposeful minimum contacts between the out-of-state organization and Washington. This is a factual question that must be determined on a case by case basis, however, the act of making contributions in Washington establishes the necessary jurisdiction.
3. If Washington does not have jurisdiction over an out-of-state political committee, it is not required to file reports with the state. However, if this nonreporting committee

subsequently makes contributions to candidates in Washington, it must file a report pursuant to RCW 42.17.090 (1)(k) as a nonreporting political committee or its contribution will be forfeited to the state.

Requested by:

Honorable Cal Anderson  
State Representative, District 43  
401 John L. O'Brien Building, MS 0685  
Olympia, WA 98504-0685

**WSR 93-10-035**

**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 4**  
[March 22, 1993]

**CITIES AND TOWNS—CHARTERS—FIREMEN—RETIREMENT—PENSIONS—Appointment of a city director of finance to serve on municipal firemen's pension board.**

RCW 41.16.020 creates a municipal firemen's pension board and provides that one member is the city comptroller or clerk. If a charter city eliminates the position of comptroller and assigns those functions to a director of finance, the city can assign the director of finance to the pension board instead of the clerk.

Requested by:

Honorable Helen Sommers  
State Representative, District 36  
203 John L. O'Brien Building, MS 0671  
Olympia, WA 98504-0671

**WSR 93-10-036**

**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 5**  
[April 14, 1993]

**DEPARTMENT OF AGRICULTURE—CITIES AND TOWNS—COUNTIES—AGRICULTURE—PREEMPTION—PESTICIDE—State Preemption of Local Authority to Regulate Pesticide**

1. Chapter 17.21 RCW authorizes the Department of Agriculture to regulate pesticide application and use. This chapter preempts cities and counties from regulating pesticide application and use, except the first class cities and the counties in which they are located can regulate structural pest control operators, exterminators, and fumigators.
2. Chapter 15.58 RCW authorizes the Department of Agriculture to regulate formulation, distribution, storage, and disposal of pesticides. This chapter does not preempt cities and counties from regulating these activities, so long as the local regulations do not conflict with state law.

Requested by:

Peter Goldmark, Director  
Washington State Department of Agriculture

MISCELLANEOUS



P.O. Box 42560  
Olympia, WA 98504-2560

**WSR 93-10-037**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 6**  
[April 15, 1993]

**DEPARTMENT OF ECOLOGY—HEALTH—SEWER—  
DISTRICTS—HAZARDOUS WASTE—FEES—Ability  
of Local Health Board to Charge Fees in Connection  
With Implementation of Local Hazardous Waste Plan**

1. Chapter 70.105 RCW requires local governments to adopt hazardous waste plans for the management of moderate-risk waste. A local government can implement such plans through its board of health.
2. A local health board can assess a fee against a sewer district for services the board performs in connection with the implementation of a local hazardous waste plan. However, the fee must be no greater than the actual cost of providing the relevant services.
3. The authority granted to the Department of Ecology to regulate hazardous waste does not preempt the authority of a local health board to adopt a local hazardous waste plan for the management of moderate-risk waste and to charge a fee in connection with the implementation of the plan.

Requested by:

Honorable Phil Talmadge  
State Senator, District 34  
432 John A. Cherberg Building, MS 0434  
Olympia, WA 98504-0434

**WSR 93-10-048**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC DISCLOSURE COMMISSION**  
[Memorandum—April 29, 1993]

Our regular meeting scheduled for June 22, 1993, has been canceled. A special meeting has been scheduled for June 29, 1993.

**WSR 93-10-052**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Memorandum—April 29, 1993]

WASHINGTON STATE  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD  
MAY 26-27, 1993

May 26, 1:00 to 5:00 p.m., WTECB Offices, Tumwater, Washington, the Workforce Training and Education Coordinating Board members will meet in committee meetings to continue discussions on targets for excellence, the compre-

hensive state plan, Carl Perkins vocational education policy, and ESHB 1988.

May 26, 5:30 - 8:00 p.m., New Market Vocational Skills Center, Tumwater, Washington, the Workforce Board will hold a dinner meeting on Wednesday, May 26, beginning at 5:30 p.m. WTECB members will meet with representatives from the State Commission on Student Learning (CSL) to discuss CSL's law, responsibilities, workplan, and activities that CSL and WTECB could assist one another with. There will be no action taken at this meeting.

May 27, 8:30 a.m., Board Room, North Thurston School District, 305 College Street N.E., Lacey, WA, the regular business meeting of the Workforce Coordinating Board will convene at 8:30 a.m. in the board room of the North Thurston School District. Primary agenda items will include a legislative report, a presentation on technical degrees, reports from the WTECB Planning and Coordination and Outcomes and Evaluation Committees. Action on Carl Perkins Vocational Education leadership funds and CBO/LEA administration are expected.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or SCAN 234-5660.

**WSR 93-10-064**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**MARINE SAFETY**  
[Memorandum—April 29, 1993]

The regularly scheduled meetings of the Oregon/Washington Columbia River Oil Spill and Marine Safety Committee for May, June, July, August, and September have been canceled. The next meeting will be held Wednesday, October 27, 1993, at 10:00 a.m. at Two World Trade Center, Mezzanine Level "Classroom," 26 S.W. Salmon Street, Portland, Oregon. For more information contact Geri Nelson at (206) 664-9128.

**WSR 93-10-065**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 93-04]

**ESTABLISHING THE STATE REHABILITATION**  
**ADVISORY AND STATE INDEPENDENT LIVING**  
**ADVISORY COUNCILS**

This Executive Order implements the authority granted to the Governor by the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992, and requirements for states participating with the U.S. Department of Education, Rehabilitation Services Administration. The purpose of those acts and regulations is to move toward a collaborative and comprehensive statewide system of rehabilitation services for individuals with disabilities. To do so requires the establishment of state rehabilitation and state independent living councils to advise and assist the state on a broad range of policy and coordination issues.

NOW, THEREFORE, I Mike Lowry, Governor of the State of Washington, do hereby establish the Washington State Rehabilitation Advisory Council and the Washington State Independent Living Advisory Council.

#### 1. FORMATION OF COUNCILS AND MEMBERSHIP:

Each council shall comprise at least 15 members, but not more than 21 members, of which a majority of the voting appointees shall constitute a quorum. Members of the councils shall be appointed by the Governor. A chairperson shall be designated by the members of each council. State executive and legislative appointees shall be ex officio, non-voting members. Terms of membership shall be three years, with the exception that initial appointments shall be staggered in order to assure continuity of the councils: one-third shall be appointed for one-year terms; one-third shall be appointed for two-year terms; and one-third shall be appointed for three-year terms. If a member resigns before completing a term, a new member may be appointed to serve out the remainder of that term.

To achieve a balanced membership on the councils, appointments shall be made with consideration given to geographic representation, gender, and ethnic and cultural diversity. Individuals with disabilities shall constitute a majority of each council.

##### A. Membership of the State Rehabilitation Advisory Council shall be as follows:

- (1) At least one representative of the State Independent Living Advisory Council, which representative may be the chairperson or other designee of the council.
- (2) At least one representative of a parent training and information center established pursuant to the Individuals with Disabilities Education Act.
- (3) At least one representative of the Client Assistance Program.
- (4) At least one vocational rehabilitation counselor, with knowledge of an experience with vocational rehabilitation programs, who shall serve as an ex officio, non-voting member if the counselor is an employee of the state.
- (5) At least one representative of community rehabilitation program service providers.
- (6) Four representatives of business, labor, and industry.
- (7) Representatives of disability advocacy groups representing a cross section of:
  - a. individuals with physical, cognitive, sensory, and mental disabilities; and
  - b. parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable, due to their disability, to represent themselves.

- (8) Current or former applicants for, or recipients of, vocational rehabilitation services.
- (9) Ex Officio Member - The Director of the designated state rehabilitation unit shall be an ex officio member.

##### B. Membership of the State Independent Living Advisory Council shall be as follows:

- (1) At least one director of a center for independent living chosen by the directors of centers for independent living within the state.
- (2) As ex officio, non-voting members:
  - a. a representative from the designated state unit; and
  - b. representatives from other state agencies that provide services for individuals with disabilities.
- (3) The Council may include:
  - a. Other representatives from centers for independent living.
  - b. Parents and guardians of individuals with disabilities.
  - c. Advocates of and for individuals with disabilities.
  - d. Representatives from private businesses.
  - e. Representatives from organizations that provide services for individuals with disabilities.
  - f. Other appropriate individuals.

#### 2. ROLES OF EACH COUNCIL:

##### A. State Rehabilitation Advisory Council Functions:

- (1) To review, analyze, and advise the general vocational rehabilitation program of responsibilities under the Act.
- (2) Advise and assist the general vocational rehabilitation program in the preparation of the state plan, the strategic plan, reports, needs assessments, and evaluations.
- (3) To conduct a review and analysis of consumer satisfaction.
- (4) To prepare and submit an annual report to the Governor, the public, and appropriate state and federal interested parties.
- (5) Coordinate with other councils, as specified by the Act.
- (6) Advise and provide coordination between the general vocational rehabilitation program and the State Independent Living Advisory Council and independent living centers.
- (7) Perform other functions, consistent with the Act, as the council determines appropriate.

B. State Independent Living Advisory Council Functions:

- (1) To jointly develop and submit the State Plan for Independent Living in conjunction with the general vocational rehabilitation program.
- (2) To monitor, review, and evaluate the implementation of the State Plan for Independent Living.
- (3) Coordinate activities with the State Rehabilitation Advisory Council and other councils that address the needs of disability populations.
- (4) Perform other functions, consistent with the Act, as the council determines appropriate.

3. MEETINGS AND OTHER BUSINESS:

- A. Each council shall convene at least four meetings a year.
- B. The Division of Vocational Rehabilitation of the Department of Social and Health Services shall, in conjunction with each council, develop a plan for the provision of such resources as may be necessary to carry out the functions of each council.
- C. Members may be reimbursed for reasonable and necessary expenses of attending council meetings and performing council duties.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to affixed at Olympia this 30th day of April, A.D., nineteen hundred and ninety-three.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
Assistant Secretary  
of State

**WSR 93-10-066**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 93-05]

CONTROLLING STATE TRAVEL EXPENDITURES

WHEREAS, travel is often an integral part of the delivery of state services and helps accomplish desired objectives such as improving client contact, staff training, and coordination of government services; and

WHEREAS, it is important to guarantee that all state funds are spent in the most economical and fiscally responsible manner;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do

hereby order the following standards for travel expenditures in state agencies:

- I. State agency directors shall take primary responsibility for ensuring that any travel by agency employees is directly work-related, obtained at the most economical price, and is both critical and necessary for state business. To this end, all out-of-state travel by agency employees must have prior approval by the head of the agency, or other top-level management staff specifically designated by the agency head.
- II. All travel outside the contiguous United States, Alaska, or British Columbia engaged in by agency heads must have prior approval from my office.
- III. Agencies must maintain internal records documenting the reason for all out-of-state travel, and for any in-state travel exceeding 24 hours in duration. At a minimum, this documentation must contain the following information: the purpose of the trip and how it relates to the employee's work assignment; a description of expected benefits; and a statement of whether an alternative approach could have achieved the same result.
- IV. Agencies are directed to develop and implement alternatives to travel, as well as less expensive means of travel. These methods should include, but are not limited to:
  - teleconferencing, video conferencing;
  - video recordings, published reports;
  - making transportation arrangements through state-qualified travel agents and using centrally contracted air carriers;
  - car-pooling and greater use of public transportation;
  - reduced frequency of regularly scheduled out-of-town meetings;
  - restrictions on the number of staff traveling to the same destination; and
  - coordinating between agencies for joint travel arrangements when more than one agency is involved.
- V. When meetings or conferences are necessary, first preference must be given to locations at state or other public (e.g. local government) facilities.
- VI. The Office of Financial Management is directed to develop a policy for use of "frequent flyer" mileage credits earned by agency employees on state business, and to communicate that policy to all state agencies.
- VII. This executive order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to affixed at Olympia this 30th day of April, A.D., nineteen hundred and ninety-three.

Mike Lowry  
Governor of Washington

MISCELLANEOUS

BY THE GOVERNOR:

Donald F. Whiting  
Assistant Secretary of State

**WSR 93-10-104**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE OVERSIGHT BOARD**  
[Memorandum—May 5, 1993]

Special Meeting

The Marine Oversight Board has scheduled the following public meeting: June 9, 1993, at 1 p.m., at the Seattle-Tacoma Airport, Theater, Door No. 5132, Ticketing Level (behind Mark Air ticketing area).

**WSR 93-10-105**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE OVERSIGHT BOARD**  
[Memorandum—May 5, 1993]

Change of Location for Board Meeting

At the April 16, 1993, public meeting of the Marine Oversight Board a decision was made to change the location and time of the scheduled quarterly meeting on July 16, 1993:

Previous location and time:

July 16, 1993  
1 p.m.  
Seattle-Tacoma International Airport  
Theater, Door No. 5132, Ticketing Level

New location and time:

July 16, 1993  
11 a.m.  
Best Western Olympic Lodge  
Olympic Room  
140 Del Guzzi Drive  
Port Angeles, WA

**WSR 93-10-106**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Forest Fire Advisory Board)  
[Memorandum—May 4, 1993]

The next scheduled meeting of the Forest Fire Advisory Board is Thursday, June 17, 1993. The meeting will begin at 9:00 a.m. and will be held in room 461 on the fourth floor of the Natural Resources Building, located at 1111 Washington Street in Olympia.

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 #
4-24-010	REP-P	93-08-089	16-08-141	AMD-P	93-07-021	16-409-075	AMD-W	93-05-022
4-24-020	REP-P	93-08-089	16-08-141	AMD-E	93-07-022	16-415	PREP	93-07-053
4-24-021	REP-P	93-08-089	16-08-141	AMD	93-10-059	16-432	PREP	93-07-053
4-24-030	REP-P	93-08-089	16-08-151	AMD-P	93-07-021	16-461-011	NEW-P	93-08-060
4-24-040	REP-P	93-08-089	16-08-151	AMD-E	93-07-022	16-532-120	AMD-P	93-06-083
4-24-041	REP-P	93-08-089	16-08-151	AMD	93-10-059	16-532-120	AMD	93-09-014
4-24-050	REP-P	93-08-089	16-10-010	NEW-P	93-04-113	16-555-010	AMD-P	93-04-094
4-24-060	REP-P	93-08-089	16-10-010	NEW-W	93-06-008	16-555-010	AMD	93-10-063
4-24-070	REP-P	93-08-089	16-10-010	NEW-P	93-06-076	16-555-020	AMD-P	93-04-094
4-24-080	REP-P	93-08-089	16-10-010	NEW	93-10-046	16-555-020	AMD	93-10-063
4-24-090	REP-P	93-08-089	16-10-020	NEW-P	93-04-113	16-570-040	AMD-P	93-07-085
4-24-101	REP-P	93-08-089	16-10-020	NEW-W	93-06-008	16-674-002	REP	93-03-079
4-24-110	REP-P	93-08-089	16-10-020	NEW-P	93-06-076	16-674-010	AMD	93-03-079
4-24-120	REP-P	93-08-089	16-10-020	NEW	93-10-046	16-674-020	REP	93-03-079
4-24-131	REP-P	93-08-089	16-10-030	NEW-P	93-04-113	16-674-060	NEW	93-03-079
4-24-140	REP-P	93-08-089	16-10-030	NEW-W	93-06-008	16-674-070	NEW	93-03-079
4-24-150	REP-P	93-08-089	16-10-030	NEW-P	93-06-076	16-674-080	NEW	93-03-079
4-25-010	REP-P	93-08-089	16-10-030	NEW	93-10-046	16-674-090	NEW	93-03-079
4-25-040	REP-P	93-08-089	16-228-900	REP-P	93-04-114	16-674-100	NEW	93-03-079
4-25-140	REP-P	93-08-089	16-228-900	REP-W	93-06-007	44-10-030	AMD-E	93-07-017
4-25-141	REP-P	93-08-089	16-228-900	REP-P	93-06-075	50-48-100	AMD-P	93-05-052
4-25-142	REP-P	93-08-089	16-228-900	REP	93-10-047	50-48-100	AMD	93-07-113
4-25-190	REP-P	93-08-089	16-228-905	NEW-P	93-04-114	51-11-0101	AMD-P	93-08-077
4-25-191	REP-P	93-08-089	16-228-905	NEW-W	93-06-007	51-11-0101	AMD-W	93-08-084
4-25-260	REP-P	93-08-089	16-228-905	NEW-P	93-06-075	51-11-0200	AMD-P	93-08-077
4-25-360	REP-P	93-08-089	16-228-905	NEW	93-10-047	51-11-0201	AMD-P	93-08-077
4-25-400	NEW-P	93-08-090	16-228-910	NEW-P	93-04-114	51-11-0401	AMD-P	93-08-077
4-25-510	NEW-P	93-08-091	16-228-910	NEW-W	93-06-007	51-11-0401	AMD-W	93-08-084
4-25-511	NEW-P	93-08-092	16-228-910	NEW-P	93-06-075	51-11-0502	AMD-P	93-08-077
4-25-520	NEW-P	93-08-093	16-228-910	NEW	93-10-047	51-11-0502	AMD-W	93-08-084
4-25-530	NEW-P	93-08-094	16-228-915	NEW-P	93-04-114	51-11-0503	AMD-P	93-08-077
4-25-540	NEW-P	93-08-095	16-228-915	NEW-W	93-06-007	51-11-0503	AMD-W	93-08-084
4-25-550	NEW-P	93-08-096	16-228-915	NEW-P	93-06-075	51-11-0505	AMD-P	93-08-077
4-25-551	NEW-P	93-08-097	16-228-915	NEW	93-10-047	51-11-0505	AMD-W	93-08-084
4-25-710	NEW-P	93-08-098	16-228-920	NEW-P	93-04-114	51-11-0528	AMD-P	93-08-077
4-25-720	NEW-P	93-08-099	16-228-920	NEW-W	93-06-007	51-11-0528	AMD-W	93-08-084
4-25-721	NEW-P	93-08-100	16-228-920	NEW-P	93-06-075	51-11-0529	AMD-P	93-08-077
4-25-730	NEW-P	93-08-101	16-228-920	NEW	93-10-047	51-11-0529	AMD-W	93-08-084
4-25-740	NEW-P	93-08-102	16-228-925	NEW-P	93-04-114	51-11-0531	AMD-P	93-08-077
4-25-755	NEW-P	93-08-103	16-228-925	NEW-W	93-06-007	51-11-0531	AMD-W	93-08-084
4-25-760	NEW-P	93-08-104	16-228-925	NEW-P	93-06-075	51-11-0532	AMD-P	93-08-077
10-04-020	AMD-P	93-07-097	16-228-925	NEW	93-10-047	51-11-0532	AMD-W	93-08-084
10-04-020	AMD	93-10-098	16-228-930	NEW-P	93-04-114	51-11-0538	AMD-P	93-08-077
10-08-150	AMD-P	93-07-096	16-228-930	NEW-W	93-06-007	51-11-0538	AMD-W	93-08-084
10-08-150	AMD	93-10-097	16-228-930	NEW-P	93-06-075	51-11-0539	AMD-P	93-08-077
16-08-021	AMD-P	93-07-021	16-228-930	NEW	93-10-047	51-11-0539	AMD-W	93-08-084
16-08-021	AMD-E	93-07-022	16-400-210	AMD-E	93-04-078	51-11-0540	AMD-P	93-08-077
16-08-021	AMD	93-10-059	16-400-210	AMD-P	93-04-103	51-11-0540	AMD-W	93-08-084
16-08-022	NEW-P	93-07-021	16-400-210	AMD	93-07-105	51-11-0542	AMD-P	93-08-077
16-08-022	NEW-E	93-07-022	16-409-015	AMD-W	93-05-022	51-11-0542	AMD-W	93-08-084
16-08-022	NEW	93-10-059	16-409-065	REP-W	93-05-022	51-11-0601	AMD-P	93-08-077



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132G-116-090	AMD	93-02-063	132J-125-010	NEW	93-04-022	173-19-3903	AMD-P	93-03-091
132G-116-095	NEW	93-02-063	132J-125-020	NEW	93-04-022	173-19-3911	AMD-P	93-06-051
132G-116-100	REP	93-02-063	132J-125-030	NEW	93-04-022	173-19-410	AMD-C	93-04-065
132G-116-105	NEW	93-02-063	132J-125-055	NEW	93-04-022	173-19-410	AMD-C	93-07-091
132G-116-110	REP	93-02-063	132J-125-060	NEW	93-04-022	173-19-4203	AMD-P	93-06-050
132G-116-115	NEW	93-02-063	132J-125-065	NEW	93-04-022	173-19-450	AMD	93-04-063
132G-116-120	REP	93-02-063	132J-125-070	NEW	93-04-022	173-164-010	REP-P	93-09-064
132G-116-125	NEW	93-02-063	132J-125-075	NEW	93-04-022	173-164-020	REP-P	93-09-064
132G-116-130	REP	93-02-063	132J-125-080	NEW	93-04-022	173-164-030	REP-P	93-09-064
132G-116-135	NEW	93-02-063	132J-125-085	NEW	93-04-022	173-164-040	REP-P	93-09-064
132G-116-140	REP	93-02-063	132J-125-090	NEW	93-04-022	173-164-050	REP-P	93-09-064
132G-116-145	NEW	93-02-063	132J-125-095	NEW	93-04-022	173-164-060	REP-P	93-09-064
132G-116-150	REP	93-02-063	132J-125-100	NEW	93-04-022	173-164-070	REP-P	93-09-064
132G-116-155	NEW	93-02-063	132J-125-105	NEW	93-04-022	173-164-080	REP-P	93-09-064
132G-116-160	REP	93-02-063	132J-125-110	NEW	93-04-022	173-202-020	AMD-P	93-05-042
132G-116-170	REP	93-02-063	132J-125-115	NEW	93-04-022	173-202-020	AMD-E	93-07-090
132G-116-175	NEW	93-02-063	132J-125-120	NEW	93-04-022	173-205-010	NEW-P	93-08-085
132G-116-180	REP	93-02-063	132J-125-125	NEW	93-04-022	173-205-020	NEW-P	93-08-085
132G-116-185	NEW	93-02-063	132J-125-130	NEW	93-04-022	173-205-030	NEW-P	93-08-085
132G-116-190	REP	93-02-063	132J-125-135	NEW	93-04-022	173-205-040	NEW-P	93-08-085
132G-116-195	NEW	93-02-063	132J-125-140	NEW	93-04-022	173-205-050	NEW-P	93-08-085
132G-116-200	REP	93-02-063	132J-125-145	NEW	93-04-022	173-205-060	NEW-P	93-08-085
132G-116-205	NEW	93-02-063	132J-125-150	NEW	93-04-022	173-205-070	NEW-P	93-08-085
132G-116-210	REP	93-02-063	132J-125-155	NEW	93-04-022	173-205-080	NEW-P	93-08-085
132G-116-215	NEW	93-02-063	132J-125-160	NEW	93-04-022	173-205-090	NEW-P	93-08-085
132G-116-220	REP	93-02-063	132J-125-165	NEW	93-04-022	173-205-100	NEW-P	93-08-085
132G-116-225	NEW	93-02-063	132J-125-170	NEW	93-04-022	173-205-110	NEW-P	93-08-085
132G-116-230	REP	93-02-063	132J-125-180	NEW	93-04-022	173-205-120	NEW-P	93-08-085
132G-116-235	NEW	93-02-063	132J-125-190	NEW	93-04-022	173-205-130	NEW-P	93-08-085
132G-116-240	REP	93-02-063	132J-125-200	NEW	93-04-022	173-216-010	AMD-P	93-03-066
132G-116-245	NEW	93-02-063	132J-125-210	NEW	93-04-022	173-216-010	AMD-E	93-03-067
132G-116-250	REP	93-02-063	132J-125-220	NEW	93-04-022	173-216-010	AMD	93-10-099
132G-116-255	NEW	93-02-063	132J-125-230	NEW	93-04-022	173-216-030	AMD-P	93-03-066
132G-116-260	REP	93-02-063	132J-125-240	NEW	93-04-022	173-216-030	AMD-E	93-03-067
132G-116-265	NEW	93-02-063	132J-125-250	NEW	93-04-022	173-216-030	AMD	93-10-099
132G-116-270	AMD	93-02-063	132J-125-260	NEW	93-04-022	173-216-040	AMD-P	93-03-066
132G-116-275	NEW	93-02-063	132J-125-270	NEW	93-04-022	173-216-040	AMD-E	93-03-067
132G-116-280	REP	93-02-063	132J-125-280	NEW	93-04-022	173-216-040	AMD	93-10-099
132G-116-285	NEW	93-02-063	132J-125-290	NEW	93-04-022	173-216-050	AMD-P	93-03-066
132G-116-290	REP	93-02-063	132J-125-300	NEW	93-04-022	173-216-050	AMD-E	93-03-067
132G-116-295	NEW	93-02-063	132J-125-310	NEW	93-04-022	173-216-050	AMD	93-10-099
132G-116-300	REP	93-02-063	132L-133-020	NEW-P	93-06-067	173-216-070	AMD-P	93-03-066
132G-116-305	NEW	93-02-063	132V-300-010	NEW	93-03-078	173-216-070	AMD-E	93-03-067
132G-116-310	REP	93-02-063	132V-300-020	NEW	93-03-078	173-216-070	AMD	93-10-099
132G-116-315	NEW	93-02-063	132V-300-030	NEW	93-03-078	173-216-130	AMD-P	93-03-066
132G-116-320	REP	93-02-063	136-320-010	AMD-P	93-07-045	173-216-130	AMD-E	93-03-067
132G-116-330	REP	93-02-063	136-320-020	AMD-P	93-07-045	173-216-130	AMD	93-10-099
132G-116-340	AMD	93-02-063	136-320-030	AMD-P	93-07-045	173-216-140	AMD-P	93-03-066
132G-116-350	REP	93-02-063	136-320-040	AMD-P	93-07-045	173-216-140	AMD-E	93-03-067
132H-116-315	AMD-P	93-08-067	136-320-050	AMD-P	93-07-045	173-216-140	AMD	93-10-099
132H-120-050	AMD-P	93-08-068	136-320-060	AMD-P	93-07-045	173-220-010	AMD-P	93-03-066
132H-120-200	AMD-P	93-08-068	136-320-070	AMD-P	93-07-045	173-220-010	AMD-E	93-03-067
132H-120-220	AMD-P	93-08-068	136-320-080	AMD-P	93-07-045	173-220-010	AMD	93-10-099
132H-120-225	AMD-P	93-08-068	139-05-240	AMD-W	93-05-039	173-220-020	AMD-P	93-03-066
132H-120-245	AMD-P	93-08-068	139-05-240	AMD-P	93-07-118	173-220-020	AMD-E	93-03-067
132H-120-300	AMD-P	93-08-068	139-05-242	NEW-C	93-03-084	173-220-020	AMD	93-10-099
132H-120-335	AMD-P	93-08-068	139-05-242	NEW-C	93-08-030	173-220-030	AMD-P	93-03-066
132H-120-475	AMD-P	93-08-068	139-05-250	AMD-P	93-08-055	173-220-030	AMD-E	93-03-067
132J-108-020	AMD	93-04-022	139-05-910	REP-P	93-10-029	173-220-030	AMD	93-10-099
132J-108-050	AMD	93-04-022	139-05-912	NEW-P	93-10-030	173-220-040	AMD-P	93-03-066
132J-120-010	REP	93-04-022	139-10-220	AMD-W	93-05-040	173-220-040	AMD-E	93-03-067
132J-120-020	REP	93-04-022	139-10-220	AMD-P	93-07-120	173-220-040	AMD	93-10-099
132J-120-030	REP	93-04-022	139-10-222	NEW-C	93-03-085	173-220-045	REP-P	93-03-066
132J-120-040	REP	93-04-022	139-10-222	NEW	93-07-119	173-220-045	REP-E	93-03-067
132J-120-050	REP	93-04-022	173-19-2205	AMD-P	93-09-062	173-220-045	REP	93-10-099
132J-120-060	REP	93-04-022	173-19-240	AMD-P	93-10-100	173-220-050	AMD-P	93-03-066
132J-120-070	REP	93-04-022	173-19-2401	AMD	93-07-116	173-220-050	AMD-E	93-03-067
132J-120-080	REP	93-04-022	173-19-2401	AMD-P	93-10-100	173-220-050	AMD	93-10-099
132J-120-090	REP	93-04-022	173-19-2521	AMD	93-04-106	173-220-060	AMD-P	93-03-066
132J-120-100	REP	93-04-022	173-19-2521	AMD-P	93-05-043	173-220-060	AMD-E	93-03-067
132J-120-110	REP	93-04-022	173-19-350	AMD	93-02-048	173-220-060	AMD	93-10-099
132J-120-120	REP	93-04-022	173-19-3503	AMD-C	93-04-064	173-220-070	AMD-P	93-03-066
132J-120-130	REP	93-04-022	173-19-3503	AMD	93-08-026	173-220-070	AMD-E	93-03-067

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-220-070	AMD	93-10-099	173-226-210	NEW-P	93-03-066	173-401-700	NEW-P	93-07-062
173-220-090	AMD-P	93-03-066	173-226-210	NEW-E	93-03-067	173-401-705	NEW-P	93-07-062
173-220-090	AMD-E	93-03-067	173-226-210	NEW	93-10-099	173-401-710	NEW-P	93-07-062
173-220-090	AMD	93-10-099	173-226-220	NEW-P	93-03-066	173-401-720	NEW-P	93-07-062
173-220-100	AMD-P	93-03-066	173-226-220	NEW-E	93-03-067	173-401-722	NEW-P	93-07-062
173-220-100	AMD-E	93-03-067	173-226-220	NEW	93-10-099	173-401-725	NEW-P	93-07-062
173-220-100	AMD	93-10-099	173-226-230	NEW-P	93-03-066	173-401-730	NEW-P	93-07-062
173-220-110	AMD-P	93-03-066	173-226-230	NEW-E	93-03-067	173-401-735	NEW-P	93-07-062
173-220-110	AMD-E	93-03-067	173-226-230	NEW	93-10-099	173-401-750	NEW-P	93-07-062
173-220-110	AMD	93-10-099	173-226-240	NEW-P	93-03-066	173-401-800	NEW-P	93-07-062
173-220-225	AMD-P	93-03-066	173-226-240	NEW-E	93-03-067	173-401-805	NEW-P	93-07-062
173-220-225	AMD-E	93-03-067	173-226-240	NEW	93-10-099	173-401-810	NEW-P	93-07-062
173-220-225	AMD	93-10-099	173-226-250	NEW-P	93-03-066	173-401-820	NEW-P	93-07-062
173-226-010	NEW-P	93-03-066	173-226-250	NEW-E	93-03-067	173-420-010	NEW	93-04-006
173-226-010	NEW-E	93-03-067	173-226-250	NEW	93-10-099	173-420-020	NEW	93-04-006
173-226-010	NEW	93-10-099	173-250-010	REP-P	93-09-064	173-420-030	NEW	93-04-006
173-226-020	NEW-P	93-03-066	173-250-020	REP-P	93-09-064	173-420-040	NEW	93-04-006
173-226-020	NEW-E	93-03-067	173-250-030	REP-P	93-09-064	173-420-050	NEW	93-04-006
173-226-020	NEW	93-10-099	173-250-040	REP-P	93-09-064	173-420-060	NEW	93-04-006
173-226-030	NEW-P	93-03-066	173-303-070	AMD-E	93-02-049	173-420-070	NEW	93-04-006
173-226-030	NEW-E	93-03-067	173-303-070	AMD	93-02-050	173-420-080	NEW	93-04-006
173-226-030	NEW	93-10-099	173-303-120	AMD-E	93-02-049	173-420-090	NEW	93-04-006
173-226-040	NEW-P	93-03-066	173-303-120	AMD	93-02-050	173-420-100	NEW	93-04-006
173-226-040	NEW-E	93-03-067	173-303-506	NEW-E	93-02-049	173-420-110	NEW	93-04-006
173-226-040	NEW	93-10-099	173-303-506	NEW	93-02-050	173-422-010	AMD-P	93-03-092
173-226-050	NEW-P	93-03-066	173-328-010	NEW	93-09-065	173-422-010	AMD	93-10-062
173-226-050	NEW-E	93-03-067	173-328-020	NEW	93-09-065	173-422-020	AMD-P	93-03-092
173-226-050	NEW	93-10-099	173-328-030	NEW	93-09-065	173-422-020	AMD	93-10-062
173-226-060	NEW-P	93-03-066	173-328-040	NEW	93-09-065	173-422-030	AMD-P	93-03-092
173-226-060	NEW-E	93-03-067	173-328-050	NEW	93-09-065	173-422-030	AMD	93-10-062
173-226-060	NEW	93-10-099	173-328-060	NEW	93-09-065	173-422-035	AMD-P	93-03-092
173-226-070	NEW-P	93-03-066	173-328-070	NEW	93-09-065	173-422-035	AMD	93-10-062
173-226-070	NEW-E	93-03-067	173-400	AMD-C	93-03-065	173-422-040	AMD-P	93-03-092
173-226-070	NEW	93-10-099	173-400-030	AMD-S	93-05-048	173-422-040	AMD	93-10-062
173-226-080	NEW-P	93-03-066	173-400-040	AMD-S	93-05-048	173-422-050	AMD-P	93-03-092
173-226-080	NEW-E	93-03-067	173-400-070	AMD-W	93-07-042	173-422-050	AMD	93-10-062
173-226-080	NEW	93-10-099	173-400-075	AMD	93-05-044	173-422-060	AMD-P	93-03-092
173-226-090	NEW-P	93-03-066	173-400-080	NEW-S	93-05-048	173-422-060	AMD	93-10-062
173-226-090	NEW-E	93-03-067	173-400-100	AMD-S	93-05-048	173-422-065	NEW-P	93-03-092
173-226-090	NEW	93-10-099	173-400-105	AMD-S	93-05-048	173-422-065	NEW	93-10-062
173-226-100	NEW-P	93-03-066	173-400-107	NEW-S	93-05-048	173-422-070	AMD-P	93-03-092
173-226-100	NEW-E	93-03-067	173-400-110	AMD-S	93-05-048	173-422-070	AMD	93-10-062
173-226-100	NEW	93-10-099	173-400-112	NEW-S	93-05-048	173-422-075	NEW-P	93-03-092
173-226-110	NEW-P	93-03-066	173-400-113	NEW-S	93-05-048	173-422-075	NEW	93-10-062
173-226-110	NEW-E	93-03-067	173-400-114	NEW-S	93-05-048	173-422-080	REP-P	93-03-092
173-226-110	NEW	93-10-099	173-400-115	AMD	93-05-044	173-422-080	REP	93-10-062
173-226-120	NEW-P	93-03-066	173-400-116	NEW-W	93-07-042	173-422-090	AMD-P	93-03-092
173-226-120	NEW-E	93-03-067	173-400-120	AMD-S	93-05-048	173-422-090	AMD	93-10-062
173-226-120	NEW	93-10-099	173-400-131	AMD-S	93-05-048	173-422-095	NEW-P	93-03-092
173-226-130	NEW-P	93-03-066	173-400-136	AMD-S	93-05-048	173-422-095	NEW	93-10-062
173-226-130	NEW-E	93-03-067	173-400-141	AMD-S	93-05-048	173-422-100	AMD-P	93-03-092
173-226-130	NEW	93-10-099	173-400-171	AMD-S	93-05-048	173-422-100	AMD	93-10-062
173-226-140	NEW-P	93-03-066	173-400-180	AMD-S	93-05-048	173-422-110	REP-P	93-03-092
173-226-140	NEW-E	93-03-067	173-400-230	AMD	93-05-044	173-422-110	REP	93-10-062
173-226-140	NEW	93-10-099	173-400-250	AMD-S	93-05-048	173-422-120	AMD-P	93-03-092
173-226-150	NEW-P	93-03-066	173-401-100	NEW-P	93-07-062	173-422-120	AMD	93-10-062
173-226-150	NEW-E	93-03-067	173-401-200	NEW-P	93-07-062	173-422-130	AMD-P	93-03-092
173-226-150	NEW	93-10-099	173-401-300	NEW-P	93-07-062	173-422-130	AMD	93-10-062
173-226-160	NEW-P	93-03-066	173-401-400	NEW-P	93-07-062	173-422-140	AMD-P	93-03-092
173-226-160	NEW-E	93-03-067	173-401-500	NEW-P	93-07-062	173-422-140	AMD	93-10-062
173-226-160	NEW	93-10-099	173-401-510	NEW-P	93-07-062	173-422-150	REP-P	93-03-092
173-226-170	NEW-P	93-03-066	173-401-520	NEW-P	93-07-062	173-422-150	REP	93-10-062
173-226-170	NEW-E	93-03-067	173-401-600	NEW-P	93-07-062	173-422-160	AMD-P	93-03-092
173-226-170	NEW	93-10-099	173-401-605	NEW-P	93-07-062	173-422-160	AMD	93-10-062
173-226-180	NEW-P	93-03-066	173-401-610	NEW-P	93-07-062	173-422-170	AMD-P	93-03-092
173-226-180	NEW-E	93-03-067	173-401-615	NEW-P	93-07-062	173-422-170	AMD	93-10-062
173-226-180	NEW	93-10-099	173-401-620	NEW-P	93-07-062	173-422-180	REP-P	93-03-092
173-226-190	NEW-P	93-03-066	173-401-625	NEW-P	93-07-062	173-422-180	REP	93-10-062
173-226-190	NEW-E	93-03-067	173-401-630	NEW-P	93-07-062	173-430	AMD-P	93-03-090
173-226-190	NEW	93-10-099	173-401-635	NEW-P	93-07-062	173-430	AMD-E	93-04-002
173-226-200	NEW-P	93-03-066	173-401-640	NEW-P	93-07-062	173-430	AMD-C	93-09-063
173-226-200	NEW-E	93-03-067	173-401-645	NEW-P	93-07-062	173-430-010	AMD-P	93-03-090
173-226-200	NEW	93-10-099	173-401-650	NEW-P	93-07-062	173-430-010	AMD-E	93-04-002

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-430-020	AMD-P	93-03-090	180-20-125	NEW	93-08-007	212-12-005	NEW-E	93-04-061
173-430-020	AMD-E	93-04-002	180-20-130	NEW-P	93-04-117	212-12-005	NEW	93-05-032
173-430-030	AMD-P	93-03-090	180-20-130	NEW	93-08-007	212-12-011	NEW-E	93-04-061
173-430-030	AMD-E	93-04-002	180-20-135	NEW-P	93-04-117	212-12-011	NEW	93-05-032
173-430-040	AMD-P	93-03-090	180-20-135	NEW	93-08-007	212-12-015	NEW-E	93-04-061
173-430-040	AMD-E	93-04-002	180-20-140	NEW-P	93-04-117	212-12-015	NEW	93-05-032
173-430-050	AMD-P	93-03-090	180-20-140	NEW	93-08-007	212-12-020	NEW-E	93-04-061
173-430-050	AMD-E	93-04-002	180-20-145	NEW-P	93-04-117	212-12-020	NEW	93-05-032
173-430-060	AMD-P	93-03-090	180-20-145	NEW	93-08-007	212-12-025	NEW-E	93-04-061
173-430-060	AMD-E	93-04-002	180-20-150	NEW-P	93-04-117	212-12-025	NEW	93-05-032
173-430-070	AMD-P	93-03-090	180-20-150	NEW	93-08-007	212-12-030	NEW-E	93-04-061
173-430-070	AMD-E	93-04-002	180-20-155	NEW-P	93-04-117	212-12-030	NEW	93-05-032
173-430-080	AMD-P	93-03-090	180-20-155	NEW	93-08-007	212-12-035	NEW-E	93-04-061
173-430-080	AMD-E	93-04-002	180-20-160	NEW-P	93-04-117	212-12-035	NEW	93-05-032
173-433-100	AMD	93-04-105	180-20-160	NEW	93-08-007	212-12-040	NEW-E	93-04-061
173-433-110	AMD	93-04-105	180-20-200	REP-P	93-04-117	212-12-040	NEW	93-05-032
173-433-170	AMD	93-04-105	180-20-200	REP	93-08-007	212-12-044	NEW-E	93-04-061
173-491-020	AMD-P	93-04-108	180-20-205	REP-P	93-04-117	212-12-044	NEW	93-05-032
173-491-040	AMD-P	93-04-108	180-20-205	REP	93-08-007	212-14-001	REP-E	93-04-061
173-491-050	AMD	93-03-089	180-20-210	REP-P	93-04-117	212-14-001	REP	93-05-032
173-491-050	AMD-P	93-04-108	180-20-210	REP	93-08-007	212-14-005	REP-E	93-04-061
180-16-222	AMD-P	93-04-116	180-20-215	REP-P	93-04-117	212-14-005	REP	93-05-032
180-16-222	AMD	93-07-102	180-20-215	REP	93-08-007	212-14-010	REP-E	93-04-061
180-16-223	AMD-P	93-04-116	180-20-220	REP-P	93-04-117	212-14-010	REP	93-05-032
180-16-223	AMD	93-07-102	180-20-220	REP	93-08-007	212-14-015	REP-E	93-04-061
180-20-005	NEW-P	93-04-117	180-20-225	REP-P	93-04-117	212-14-015	REP	93-05-032
180-20-005	NEW	93-08-007	180-20-225	REP	93-08-007	212-14-020	REP-E	93-04-061
180-20-030	NEW-P	93-04-117	180-20-230	REP-P	93-04-117	212-14-020	REP	93-05-032
180-20-030	NEW	93-08-007	180-20-230	REP	93-08-007	212-14-025	REP-E	93-04-061
180-20-031	NEW-P	93-04-117	180-26-020	AMD-P	93-04-118	212-14-025	REP	93-05-032
180-20-031	NEW	93-08-007	180-26-020	AMD	93-07-104	212-14-030	REP-E	93-04-061
180-20-034	NEW-P	93-04-117	180-26-025	AMD-P	93-04-119	212-14-030	REP	93-05-032
180-20-034	NEW	93-08-007	180-26-025	AMD-W	93-07-100	212-14-035	REP-E	93-04-061
180-20-035	NEW-P	93-04-117	180-27-070	AMD-P	93-08-041	212-14-035	REP	93-05-032
180-20-035	NEW	93-08-007	180-27-505	AMD	93-04-019	212-14-040	REP-E	93-04-061
180-20-040	NEW-P	93-04-117	180-51-005	AMD	93-04-115	212-14-040	REP	93-05-032
180-20-040	NEW	93-08-007	180-51-025	AMD	93-04-115	212-14-045	REP-E	93-04-061
180-20-045	NEW-P	93-04-117	180-51-030	AMD	93-04-115	212-14-045	REP	93-05-032
180-20-045	NEW	93-08-007	180-51-055	AMD	93-04-115	212-14-050	REP-E	93-04-061
180-20-050	NEW-P	93-04-117	180-51-100	AMD	93-04-115	212-14-050	REP	93-05-032
180-20-055	NEW-P	93-04-117	180-78-010	AMD-P	93-04-120	212-14-055	REP-E	93-04-061
180-20-055	NEW	93-08-007	180-78-010	AMD	93-07-101	212-14-055	REP	93-05-032
180-20-060	NEW-P	93-04-117	180-79-010	AMD-P	93-04-120	212-14-060	REP-E	93-04-061
180-20-060	NEW	93-08-007	180-79-010	AMD	93-07-101	212-14-060	REP	93-05-032
180-20-065	NEW-P	93-04-117	180-79-236	AMD	93-05-007	212-14-070	REP-E	93-04-061
180-20-065	NEW	93-08-007	192-12-141	AMD-P	93-07-086	212-14-070	REP	93-05-032
180-20-070	NEW-P	93-04-117	192-12-141	AMD	93-10-025	212-14-080	REP-E	93-04-061
180-20-070	NEW	93-08-007	194-10-030	AMD	93-02-033	212-14-080	REP	93-05-032
180-20-075	NEW-P	93-04-117	194-10-100	AMD	93-02-033	212-14-090	REP-E	93-04-061
180-20-075	NEW	93-08-007	194-10-110	AMD	93-02-033	212-14-090	REP	93-05-032
180-20-080	NEW-P	93-04-117	194-10-130	AMD	93-02-033	212-14-100	REP-E	93-04-061
180-20-080	NEW	93-08-007	194-10-140	AMD	93-02-033	212-14-100	REP	93-05-032
180-20-090	NEW-P	93-04-117	196-24-041	NEW-P	93-09-024	212-14-105	REP-E	93-04-061
180-20-090	NEW	93-08-007	196-24-097	NEW-P	93-09-022	212-14-105	REP	93-05-032
180-20-095	NEW-P	93-04-117	196-24-098	NEW-P	93-09-023	212-14-110	REP-E	93-04-061
180-20-095	NEW	93-08-007	196-26-020	AMD-P	93-07-111	212-14-110	REP	93-05-032
180-20-100	REP-P	93-04-117	196-26-020	AMD	93-10-057	212-14-115	REP-E	93-04-061
180-20-100	REP	93-08-007	204-10-120	AMD-P	93-05-029	212-14-115	REP	93-05-032
180-20-101	NEW-P	93-04-117	204-44-040	NEW-P	93-05-028	212-14-120	REP-E	93-04-061
180-20-101	NEW	93-08-007	204-82A-070	AMD-P	93-10-002	212-14-120	REP	93-05-032
180-20-105	REP-P	93-04-117	204-84-010	REP-P	93-05-029	212-14-12001	REP-E	93-04-061
180-20-105	REP	93-08-007	204-84-020	REP-P	93-05-029	212-14-12001	REP	93-05-032
180-20-106	REP-P	93-04-117	204-84-030	REP-P	93-05-029	212-14-125	REP-E	93-04-061
180-20-106	REP	93-08-007	204-84-040	REP-P	93-05-029	212-14-125	REP	93-05-032
180-20-111	NEW-P	93-04-117	204-84-050	REP-P	93-05-029	212-14-130	REP-E	93-04-061
180-20-111	NEW	93-08-007	204-84-060	REP-P	93-05-029	212-14-130	REP	93-05-032
180-20-115	NEW-P	93-04-117	204-84-070	REP-P	93-05-029	212-26-001	REP-E	93-04-061
180-20-115	NEW	93-08-007	204-84-080	REP-P	93-05-029	212-26-001	REP	93-05-032
180-20-120	NEW-P	93-04-117	204-84-090	REP-P	93-05-029	212-26-005	REP-E	93-04-061
180-20-120	NEW	93-08-007	204-84-100	REP-P	93-05-029	212-26-005	REP	93-05-032
180-20-123	NEW-P	93-04-117	212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061
180-20-123	NEW	93-08-007	212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032
180-20-125	NEW-P	93-04-117	212-12-001	NEW	93-05-032	212-26-015	REP-E	93-04-061





Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
212-52-105	REP	93-05-032	212-64-005	REP-E	93-04-061	212-65-080	REP	93-05-032
212-52-110	REP-E	93-04-061	212-64-005	REP	93-05-032	212-65-085	REP-E	93-04-061
212-52-110	REP	93-05-032	212-64-015	REP-E	93-04-061	212-65-085	REP	93-05-032
212-52-112	REP-E	93-04-061	212-64-015	REP	93-05-032	212-65-090	REP-E	93-04-061
212-52-112	REP	93-05-032	212-64-020	REP-E	93-04-061	212-65-090	REP	93-05-032
212-52-115	REP-E	93-04-061	212-64-020	REP	93-05-032	212-65-095	REP-E	93-04-061
212-52-115	REP	93-05-032	212-64-025	REP-E	93-04-061	212-65-095	REP	93-05-032
212-52-120	REP-E	93-04-061	212-64-025	REP	93-05-032	212-65-100	REP-E	93-04-061
212-52-120	REP	93-05-032	212-64-030	REP-E	93-04-061	212-65-100	REP	93-05-032
212-52-125	REP-E	93-04-061	212-64-030	REP	93-05-032	212-70-010	REP-E	93-04-061
212-52-125	REP	93-05-032	212-64-033	REP-E	93-04-061	212-70-010	REP	93-05-032
212-52-99001	REP-E	93-04-061	212-64-033	REP	93-05-032	212-70-020	REP-E	93-04-061
212-52-99001	REP	93-05-032	212-64-035	REP-E	93-04-061	212-70-020	REP	93-05-032
212-52-99002	REP-E	93-04-061	212-64-035	REP	93-05-032	212-70-030	REP-E	93-04-061
212-52-99002	REP	93-05-032	212-64-037	REP-E	93-04-061	212-70-030	REP	93-05-032
212-56A-001	REP-E	93-04-061	212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061
212-56A-001	REP	93-05-032	212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032
212-56A-005	REP-E	93-04-061	212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061
212-56A-005	REP	93-05-032	212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032
212-56A-010	REP-E	93-04-061	212-64-040	REP	93-05-032	212-70-060	REP-E	93-04-061
212-56A-010	REP	93-05-032	212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032
212-56A-015	REP-E	93-04-061	212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061
212-56A-015	REP	93-05-032	212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032
212-56A-020	REP-E	93-04-061	212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061
212-56A-020	REP	93-05-032	212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032
212-56A-030	REP-E	93-04-061	212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061
212-56A-030	REP	93-05-032	212-64-055	REP-E	93-04-061	212-70-090	REP	93-05-032
212-56A-035	REP-E	93-04-061	212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061
212-56A-035	REP	93-05-032	212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032
212-56A-040	REP-E	93-04-061	212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061
212-56A-040	REP	93-05-032	212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032
212-56A-045	REP-E	93-04-061	212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061
212-56A-045	REP	93-05-032	212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032
212-56A-050	REP-E	93-04-061	212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061
212-56A-050	REP	93-05-032	212-64-068	REP-E	93-04-061	212-70-130	REP	93-05-032
212-56A-055	REP-E	93-04-061	212-64-068	REP	93-05-032	212-70-140	REP-E	93-04-061
212-56A-055	REP	93-05-032	212-64-069	REP-E	93-04-061	212-70-140	REP	93-05-032
212-56A-060	REP-E	93-04-061	212-64-069	REP	93-05-032	212-70-150	REP-E	93-04-061
212-56A-060	REP	93-05-032	212-64-070	REP-E	93-04-061	212-70-150	REP	93-05-032
212-56A-065	REP-E	93-04-061	212-64-070	REP	93-05-032	212-70-160	REP-E	93-04-061
212-56A-065	REP	93-05-032	212-65-001	REP-E	93-04-061	212-70-160	REP	93-05-032
212-56A-070	REP-E	93-04-061	212-65-001	REP	93-05-032	212-70-170	REP-E	93-04-061
212-56A-070	REP	93-05-032	212-65-005	REP-E	93-04-061	212-70-170	REP	93-05-032
212-56A-075	REP-E	93-04-061	212-65-005	REP	93-05-032	212-70-180	REP-E	93-04-061
212-56A-075	REP	93-05-032	212-65-010	REP-E	93-04-061	212-70-180	REP	93-05-032
212-56A-080	REP-E	93-04-061	212-65-010	REP	93-05-032	212-70-190	REP-E	93-04-061
212-56A-080	REP	93-05-032	212-65-015	REP-E	93-04-061	212-70-190	REP	93-05-032
212-56A-085	REP-E	93-04-061	212-65-015	REP	93-05-032	212-70-200	REP-E	93-04-061
212-56A-085	REP	93-05-032	212-65-020	REP-E	93-04-061	212-70-200	REP	93-05-032
212-56A-090	REP-E	93-04-061	212-65-020	REP	93-05-032	212-70-210	REP-E	93-04-061
212-56A-090	REP	93-05-032	212-65-025	REP-E	93-04-061	212-70-210	REP	93-05-032
212-56A-095	REP-E	93-04-061	212-65-025	REP	93-05-032	212-70-220	REP-E	93-04-061
212-56A-095	REP	93-05-032	212-65-030	REP-E	93-04-061	212-70-220	REP	93-05-032
212-56A-100	REP-E	93-04-061	212-65-030	REP	93-05-032	212-70-230	REP-E	93-04-061
212-56A-100	REP	93-05-032	212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032
212-56A-105	REP-E	93-04-061	212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061
212-56A-105	REP	93-05-032	212-65-040	REP-E	93-04-061	212-70-240	REP	93-05-032
212-56A-110	REP-E	93-04-061	212-65-040	REP	93-05-032	212-70-250	REP-E	93-04-061
212-56A-110	REP	93-05-032	212-65-045	REP-E	93-04-061	212-70-250	REP	93-05-032
212-56A-115	REP-E	93-04-061	212-65-045	REP	93-05-032	212-70-260	REP-E	93-04-061
212-56A-115	REP	93-05-032	212-65-050	REP-E	93-04-061	212-70-260	REP	93-05-032
212-56A-120	REP-E	93-04-061	212-65-050	REP	93-05-032	220-16-460	NEW-P	93-04-096
212-56A-120	REP	93-05-032	212-65-055	REP-E	93-04-061	220-20-020	AMD-P	93-09-074
212-56A-125	REP-E	93-04-061	212-65-055	REP	93-05-032	220-24-02000T	NEW-E	93-10-043
212-56A-125	REP	93-05-032	212-65-060	REP-E	93-04-061	220-32-05100T	REP-E	93-04-073
212-56A-130	REP-E	93-04-061	212-65-060	REP	93-05-032	220-32-05100U	NEW-E	93-04-073
212-56A-130	REP	93-05-032	212-65-065	REP-E	93-04-061	220-32-05100U	REP-E	93-06-015
212-56A-135	REP-E	93-04-061	212-65-065	REP	93-05-032	220-32-05100V	NEW-E	93-06-015
212-56A-135	REP	93-05-032	212-65-070	REP-E	93-04-061	220-32-05100V	REP-E	93-06-069
212-56A-140	REP-E	93-04-061	212-65-070	REP	93-05-032	220-32-05100W	NEW-E	93-06-069
212-56A-140	REP	93-05-032	212-65-075	REP-E	93-04-061	220-32-05500C	NEW-E	93-10-061
212-64-001	REP-E	93-04-061	212-65-075	REP	93-05-032	220-33-01000M	REP-E	93-05-017
212-64-001	REP	93-05-032	212-65-080	REP-E	93-04-061	220-33-01000N	NEW-E	93-05-017

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-33-01000N	REP-E	93-06-014	220-56-310	AMD-P	93-04-096	220-57-50500U	NEW-E	93-08-016
220-33-01000P	NEW-E	93-06-070	220-56-310	AMD	93-08-034	220-57-51500I	NEW-E	93-08-016
220-33-01000P	REP-E	93-07-001	220-56-315	AMD-P	93-04-096	220-57A-183	AMD-P	93-04-096
220-33-01000Q	NEW-E	93-07-001	220-56-315	AMD	93-08-034	220-57A-183	AMD	93-08-034
220-36-023	AMD-P	93-09-074	220-56-320	AMD-P	93-04-096	222-08-040	AMD-P	93-05-010
220-40-027	AMD-P	93-09-074	220-56-320	AMD	93-08-034	222-10-110	AMD-P	93-05-010
220-44-050	AMD-P	93-04-095	220-56-325	AMD-P	93-04-096	222-12-020	AMD-P	93-05-010
220-44-050	AMD	93-07-093	220-56-325	AMD	93-08-034	222-12-050	AMD-P	93-05-010
220-44-05000B	REP-E	93-09-067	220-56-330	AMD-P	93-04-096	222-16-010	AMD-P	93-05-010
220-44-05000C	NEW-E	93-09-067	220-56-330	AMD	93-08-034	222-16-010	AMD-E	93-07-060
220-44-05000C	REP-E	93-10-094	220-56-335	AMD-P	93-04-096	222-16-050	AMD-P	93-05-010
220-44-05000D	NEW-E	93-10-094	220-56-335	AMD	93-08-034	222-16-070	AMD-P	93-05-010
220-44-09000B	NEW-E	93-10-094	220-56-350	AMD-P	93-04-096	222-16-080	AMD-P	93-05-010
220-47-302	AMD-P	93-09-073	220-56-350	AMD	93-08-034	222-16-080	AMD-E	93-07-060
220-47-304	AMD-P	93-09-073	220-56-350	AMD-P	93-10-095	222-20-010	AMD-P	93-05-010
220-47-307	AMD-P	93-09-073	220-56-35000R	NEW-E	93-08-059	222-24-050	AMD-P	93-05-010
220-47-311	AMD-P	93-09-073	220-56-35000S	NEW-E	93-09-025	222-30-020	AMD-P	93-05-010
220-47-401	AMD-P	93-09-073	220-56-36000C	NEW-E	93-07-092	222-30-040	AMD-P	93-05-010
220-47-411	AMD-P	93-09-073	220-56-36000C	REP-E	93-08-017	222-30-040	AMD-E	93-10-015
220-49-02000E	NEW-E	93-06-044	220-56-36000D	NEW-E	93-08-017	222-34-040	AMD-P	93-05-010
220-52-05100N	NEW-E	93-09-028	220-56-36000D	REP-E	93-10-096	222-38-020	AMD-P	93-05-010
220-52-06900A	NEW-E	93-07-043	220-56-36000E	NEW-E	93-10-096	222-38-030	AMD-P	93-05-010
220-52-07100K	NEW-E	93-09-028	220-56-380	AMD-P	93-04-096	222-46-020	AMD-P	93-05-010
220-52-07100K	REP-E	93-10-044	220-56-380	AMD	93-08-034	222-50-020	AMD-P	93-05-010
220-52-07100L	NEW-E	93-10-044	220-56-38000L	NEW-E	93-09-027	222-50-020	AMD-E	93-07-060
220-52-07300M	REP-E	93-05-006	220-56-382	AMD-P	93-04-096	230-02-035	AMD	93-06-011
220-52-07300N	NEW-E	93-05-006	220-56-382	AMD	93-08-034	230-02-270	AMD-P	93-07-081
220-52-07300N	REP-E	93-07-006	220-56-390	AMD-P	93-04-096	230-04-040	AMD-P	93-10-042
220-55-010	AMD-P	93-04-096	220-56-390	AMD	93-08-034	230-04-400	AMD-P	93-07-082
220-55-010	AMD	93-08-034	220-57-137	AMD-P	93-04-096	230-08-010	AMD-P	93-08-066
220-56-100	AMD-P	93-04-096	220-57-137	AMD	93-08-034	230-08-090	AMD-P	93-06-036
220-56-105	AMD-P	93-04-096	220-57-160	AMD-P	93-04-096	230-08-090	AMD	93-10-005
220-56-105	AMD	93-08-034	220-57-160	AMD	93-08-034	230-08-095	AMD-P	93-10-042
220-56-10500B	NEW-E	93-08-016	220-57-16000Q	NEW-E	93-04-043	230-20-010	AMD-P	93-10-042
220-56-116	AMD-P	93-04-096	220-57-16000R	NEW-E	93-06-013	230-20-064	AMD-P	93-10-042
220-56-124	NEW-P	93-04-096	220-57-16000R	REP-E	93-06-068	230-20-111	NEW-E	93-07-080
220-56-124	NEW	93-08-034	220-57-16000S	NEW-E	93-08-018	230-20-111	NEW-P	93-07-083
220-56-126	AMD-P	93-04-096	220-57-175	AMD-P	93-04-096	230-20-242	NEW-P	93-10-042
220-56-126	AMD	93-08-034	220-57-175	AMD	93-08-034	230-20-246	AMD-P	93-10-042
220-56-128	AMD-P	93-04-096	220-57-210	AMD-P	93-04-096	230-20-670	AMD-P	93-07-082
220-56-128	AMD	93-08-034	220-57-210	AMD-C	93-08-033	230-20-685	AMD-P	93-07-082
220-56-131	AMD-P	93-04-096	220-57-235	AMD-P	93-04-096	230-25-160	AMD-P	93-07-081
220-56-131	AMD	93-08-034	220-57-235	AMD	93-08-034	230-30-060	AMD-P	93-07-081
220-56-132	AMD-P	93-04-096	220-57-255	AMD-P	93-04-096	230-30-072	AMD-P	93-08-066
220-56-132	AMD	93-08-034	220-57-255	AMD	93-08-034	230-30-075	AMD	93-04-007
220-56-180	AMD-P	93-04-096	220-57-270	AMD-P	93-04-096	230-30-080	AMD-P	93-07-083
220-56-180	AMD	93-08-034	220-57-29000N	NEW-E	93-08-016	230-30-095	REP-P	93-07-083
220-56-190	AMD-P	93-04-096	220-57-310	AMD-P	93-04-096	230-30-097	NEW-P	93-07-087
220-56-190	AMD-C	93-08-033	220-57-310	AMD	93-08-034	230-30-100	AMD-P	93-07-083
220-56-19000P	NEW-E	93-10-045	220-57-315	AMD-P	93-04-096	230-30-106	AMD-P	93-06-036
220-56-191	NEW-P	93-04-096	220-57-315	AMD	93-08-034	230-30-106	AMD	93-10-005
220-56-191	NEW-C	93-08-033	220-57-31500W	NEW-E	93-08-016	230-30-300	AMD-P	93-06-036
220-56-195	AMD-P	93-04-096	220-57-319	AMD-P	93-04-096	230-30-300	AMD	93-10-005
220-56-195	AMD-C	93-08-033	220-57-319	AMD	93-08-034	230-40-055	AMD-P	93-07-082
220-56-220	AMD-P	93-04-096	220-57-350	AMD-P	93-04-096	230-40-120	AMD-P	93-04-044
220-56-235	AMD-P	93-04-096	220-57-350	AMD	93-08-034	230-40-125	AMD-P	93-10-042
220-56-235	AMD	93-08-034	220-57-370	AMD-P	93-10-095	232-12-017	AMD	93-04-039
220-56-240	AMD-P	93-04-096	220-57-380	AMD-P	93-04-096	232-12-019	AMD-P	93-06-019
220-56-240	AMD	93-08-034	220-57-380	AMD	93-08-034	232-12-019	AMD-P	93-06-020
220-56-240	AMD-P	93-10-095	220-57-400	AMD-P	93-04-096	232-12-019	AMD	93-10-011
220-56-24000A	NEW-E	93-09-026	220-57-425	AMD-P	93-04-096	232-12-019	AMD	93-10-012
220-56-245	AMD-P	93-04-096	220-57-425	AMD-C	93-08-033	232-12-021	AMD	93-04-040
220-56-245	AMD	93-08-034	220-57-430	AMD-P	93-04-096	232-12-045	NEW-E	93-04-083
220-56-255	AMD-P	93-04-096	220-57-430	AMD-C	93-08-033	232-12-064	AMD	93-04-038
220-56-255	AMD	93-08-034	220-57-445	AMD-P	93-04-096	232-12-074	REP	93-04-075
220-56-255	AMD-P	93-10-095	220-57-445	AMD	93-08-034	232-12-166	NEW-P	93-06-018
220-56-270	AMD-P	93-04-096	220-57-460	AMD-P	93-04-096	232-12-166	NEW	93-10-013
220-56-270	AMD	93-08-034	220-57-460	AMD	93-08-034	232-12-242	NEW	93-04-074
220-56-285	AMD-P	93-04-096	220-57-465	AMD-P	93-04-096	232-12-619	AMD-P	93-06-017
220-56-285	AMD	93-08-034	220-57-465	AMD	93-08-034	232-12-619	AMD	93-10-054
220-56-28500A	NEW-E	93-09-026	220-57-495	AMD-P	93-04-096	232-28-022	AMD-P	93-06-074
220-56-307	AMD-P	93-04-096	220-57-495	AMD	93-08-034	232-28-226	AMD-P	93-06-064
220-56-307	AMD	93-08-034	220-57-49700	NEW-E	93-08-016	232-28-227	AMD-P	93-06-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
232-28-228	AMD-P	93-06-058	246-01-010	NEW	93-08-004
232-28-233	REP-P	93-06-062	246-01-020	NEW	93-08-004
232-28-234	REP-P	93-06-063	246-01-030	NEW	93-08-004
232-28-235	REP-P	93-06-060	246-01-040	NEW	93-08-004
232-28-236	NEW-P	93-06-060	246-01-050	NEW	93-08-004
232-28-237	NEW-P	93-06-063	246-01-060	NEW	93-08-004
232-28-238	NEW-P	93-06-062	246-01-070	NEW	93-08-004
232-28-61914	NEW-W	93-03-015	246-01-080	NEW	93-08-004
232-28-61923	NEW	93-04-046	246-01-090	NEW	93-08-004
232-28-61924	NEW	93-04-047	246-01-100	NEW	93-08-004
232-28-61925	NEW	93-04-049	246-08-001	REP-P	93-08-071
232-28-61926	NEW	93-04-050	246-08-020	REP-P	93-08-071
232-28-61927	NEW	93-04-051	246-08-030	REP-P	93-08-071
232-28-61928	NEW	93-04-048	246-08-040	REP-P	93-08-071
232-28-61929	NEW	93-04-052	246-08-050	REP-P	93-08-071
232-28-61930	NEW	93-04-053	246-08-060	REP-P	93-08-071
232-28-61931	NEW-E	93-03-039	246-08-070	REP-P	93-08-071
232-28-61932	NEW-P	93-06-021	246-08-080	REP-P	93-08-071
232-28-61932	NEW	93-10-055	246-08-090	REP-P	93-08-071
232-28-61933	NEW-P	93-06-022	246-08-100	REP-P	93-08-071
232-28-61933	NEW	93-10-053	246-08-101	NEW-P	93-08-071
232-28-61934	NEW-E	93-06-061	246-08-102	NEW-P	93-08-071
232-28-61935	NEW-P	93-06-057	246-08-103	NEW-P	93-08-071
232-28-61935	NEW	93-10-056	246-08-104	NEW-P	93-08-071
236-14-010	NEW-W	93-05-041	246-08-105	NEW-P	93-08-071
236-14-010	NEW-P	93-09-068	246-08-106	NEW-P	93-08-071
236-14-010	NEW-W	93-10-090	246-08-110	REP-P	93-08-071
236-14-015	NEW-W	93-05-041	246-08-120	REP-P	93-08-071
236-14-015	NEW-P	93-09-068	246-08-130	REP-P	93-08-071
236-14-015	NEW-W	93-10-090	246-08-140	REP-P	93-08-071
236-14-050	NEW-W	93-05-041	246-08-150	REP-P	93-08-071
236-14-050	NEW-P	93-09-068	246-08-160	REP-P	93-08-071
236-14-050	NEW-W	93-10-090	246-08-170	REP-P	93-08-071
236-14-100	NEW-W	93-05-041	246-08-180	REP-P	93-08-071
236-14-100	NEW-P	93-09-068	246-08-190	REP-P	93-08-071
236-14-100	NEW-W	93-10-090	246-08-200	REP-P	93-08-071
236-14-200	NEW-W	93-05-041	246-08-210	REP-P	93-08-071
236-14-200	NEW-P	93-09-068	246-08-320	REP-P	93-08-071
236-14-200	NEW-W	93-10-090	246-08-330	REP-P	93-08-071
236-14-300	NEW-W	93-05-041	246-08-340	REP-P	93-08-071
236-14-300	NEW-P	93-09-068	246-08-350	REP-P	93-08-071
236-14-300	NEW-W	93-10-090	246-08-360	REP-P	93-08-071
236-14-900	NEW-W	93-05-041	246-08-370	REP-P	93-08-071
236-14-900	NEW-P	93-09-068	246-08-380	REP-P	93-08-071
236-14-900	NEW-W	93-10-090	246-08-420	NEW	93-08-004
236-22-010	AMD-P	93-09-030	246-08-440	NEW	93-08-004
236-22-020	NEW-P	93-09-030	246-08-450	NEW	93-08-004
236-22-030	NEW-P	93-09-030	246-08-520	AMD	93-08-004
236-22-031	NEW-P	93-09-030	246-08-560	AMD	93-08-004
236-22-032	NEW-P	93-09-030	246-10-101	NEW-P	93-08-071
236-22-033	NEW-P	93-09-030	246-10-102	NEW-P	93-08-071
236-22-034	NEW-P	93-09-030	246-10-103	NEW-P	93-08-071
236-22-035	NEW-P	93-09-030	246-10-104	NEW-P	93-08-071
236-22-036	NEW-P	93-09-030	246-10-105	NEW-P	93-08-071
236-22-037	NEW-P	93-09-030	246-10-106	NEW-P	93-08-071
236-22-038	NEW-P	93-09-030	246-10-107	NEW-P	93-08-071
236-22-040	NEW-P	93-09-030	246-10-108	NEW-P	93-08-071
236-22-050	NEW-P	93-09-030	246-10-109	NEW-P	93-08-071
236-22-060	NEW-P	93-09-030	246-10-110	NEW-P	93-08-071
236-22-070	NEW-P	93-09-030	246-10-111	NEW-P	93-08-071
236-22-080	NEW-P	93-09-030	246-10-112	NEW-P	93-08-071
236-22-100	AMD-P	93-09-030	246-10-113	NEW-P	93-08-071
236-22-200	NEW-P	93-09-030	246-10-114	NEW-P	93-08-071
236-22-210	NEW-P	93-09-030	246-10-115	NEW-P	93-08-071
242-02-220	AMD-P	93-08-032	246-10-116	NEW-P	93-08-071
242-02-562	NEW-W	93-06-045	246-10-117	NEW-P	93-08-071
244-12-060	AMD-P	93-07-038	246-10-118	NEW-P	93-08-071
244-12-060	AMD-W	93-09-049	246-10-119	NEW-P	93-08-071
244-12-060	AMD-P	93-09-053	246-10-120	NEW-P	93-08-071
244-12-100	NEW-P	93-07-038	246-10-121	NEW-P	93-08-071
244-12-100	NEW-W	93-09-049	246-10-122	NEW-P	93-08-071
244-12-100	NEW-P	93-09-053	246-10-123	NEW-P	93-08-071
246-01-001	NEW	93-08-004	246-10-124	NEW-P	93-08-071
246-10-201	NEW-P	93-08-071			
246-10-202	NEW-P	93-08-071			
246-10-203	NEW-P	93-08-071			
246-10-204	NEW-P	93-08-071			
246-10-205	NEW-P	93-08-071			
246-10-301	NEW-P	93-08-071			
246-10-302	NEW-P	93-08-071			
246-10-303	NEW-P	93-08-071			
246-10-304	NEW-P	93-08-071			
246-10-305	NEW-P	93-08-071			
246-10-306	NEW-P	93-08-071			
246-10-401	NEW-P	93-08-071			
246-10-402	NEW-P	93-08-071			
246-10-403	NEW-P	93-08-071			
246-10-404	NEW-P	93-08-071			
246-10-405	NEW-P	93-08-071			
246-10-501	NEW-P	93-08-071			
246-10-502	NEW-P	93-08-071			
246-10-503	NEW-P	93-08-071			
246-10-504	NEW-P	93-08-071			
246-10-505	NEW-P	93-08-071			
246-10-601	NEW-P	93-08-071			
246-10-602	NEW-P	93-08-071			
246-10-603	NEW-P	93-08-071			
246-10-604	NEW-P	93-08-071			
246-10-605	NEW-P	93-08-071			
246-10-606	NEW-P	93-08-071			
246-10-607	NEW-P	93-08-071			
246-10-608	NEW-P	93-08-071			
246-10-701	NEW-P	93-08-071			
246-10-702	NEW-P	93-08-071			
246-10-703	NEW-P	93-08-071			
246-10-704	NEW-P	93-08-071			
246-10-705	NEW-P	93-08-071			
246-10-706	NEW-P	93-08-071			
246-10-707	NEW-P	93-08-071			
246-11-001	NEW-P	93-04-102			
246-11-001	NEW	93-08-003			
246-11-010	NEW-P	93-04-102			
246-11-010	NEW	93-08-003			
246-11-020	NEW-P	93-04-102			
246-11-020	NEW	93-08-003			
246-11-030	NEW-P	93-04-102			
246-11-030	NEW	93-08-003			
246-11-040	NEW-P	93-04-102			
246-11-040	NEW	93-08-003			
246-11-050	NEW-P	93-04-102			
246-11-050	NEW	93-08-003			
246-11-060	NEW-P	93-04-102			
246-11-060	NEW	93-08-003			
246-11-070	NEW-P	93-04-102			
246-11-070	NEW	93-08-003			
246-11-080	NEW-P	93-04-102			
246-11-080	NEW	93-08-003			
246-11-090	NEW-P	93-04-102			
246-11-090	NEW	93-08-003			
246-11-100	NEW-P	93-04-102			
246-11-100	NEW	93-08-003			
246-11-110	NEW-P	93-04-102			
246-11-110	NEW	93-08-003			
246-11-120	NEW-P	93-04-102			
246-11-120	NEW	93-08-003			
246-11-130	NEW-P	93-04-102			
246-11-130	NEW	93-08-003			
246-11-140	NEW-P	93-04-102			
246-11-140	NEW	93-08-003			
246-11-150	NEW-P	93-04-102			
246-11-150	NEW	93-08-003			
246-11-160	NEW-P	93-04-102			
246-11-160	NEW	93-08-003			
246-11-170	NEW-P	93-04-102			
246-11-170	NEW	93-08-003			
246-11-180	NEW-P	93-04-102			

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-11-180	NEW	93-08-003	246-11-580	NEW-P	93-04-102	246-290-440	AMD	93-08-011
246-11-190	NEW-P	93-04-102	246-11-580	NEW	93-08-003	246-290-450	REP-P	93-04-122
246-11-190	NEW	93-08-003	246-11-590	NEW-P	93-04-102	246-290-450	REP	93-08-011
246-11-200	NEW-P	93-04-102	246-11-590	NEW	93-08-003	246-290-470	AMD-P	93-04-122
246-11-200	NEW	93-08-003	246-11-600	NEW-P	93-04-102	246-290-470	AMD	93-08-011
246-11-210	NEW-P	93-04-102	246-11-600	NEW	93-08-003	246-290-480	AMD-P	93-04-122
246-11-210	NEW	93-08-003	246-11-610	NEW-P	93-04-102	246-290-480	AMD	93-08-011
246-11-220	NEW-P	93-04-102	246-11-610	NEW	93-08-003	246-290-601	NEW-P	93-04-122
246-11-220	NEW	93-08-003	246-100-011	AMD-P	93-03-003	246-290-601	NEW	93-08-011
246-11-230	NEW-P	93-04-102	246-100-011	AMD	93-08-036	246-290-610	NEW-P	93-04-122
246-11-230	NEW	93-08-003	246-100-041	AMD-P	93-03-003	246-290-610	NEW	93-08-011
246-11-250	NEW-P	93-04-102	246-100-041	AMD	93-08-036	246-290-620	NEW-P	93-04-122
246-11-250	NEW	93-08-003	246-100-042	NEW-P	93-06-094	246-290-620	NEW	93-08-011
246-11-260	NEW-P	93-04-102	246-100-042	NEW	93-10-038	246-290-630	NEW-P	93-04-122
246-11-260	NEW	93-08-003	246-100-076	AMD-P	93-03-003	246-290-630	NEW	93-08-011
246-11-270	NEW-P	93-04-102	246-100-076	AMD	93-08-036	246-290-632	NEW-P	93-04-122
246-11-270	NEW	93-08-003	246-100-236	AMD-P	93-03-003	246-290-632	NEW	93-08-011
246-11-280	NEW-P	93-04-102	246-100-236	AMD	93-08-036	246-290-634	NEW-P	93-04-122
246-11-280	NEW	93-08-003	246-130-040	AMD-E	93-04-015	246-290-634	NEW	93-08-011
246-11-290	NEW-P	93-04-102	246-130-040	AMD-P	93-06-095	246-290-636	NEW-P	93-04-122
246-11-290	NEW	93-08-003	246-130-070	AMD-E	93-04-015	246-290-636	NEW	93-08-011
246-11-300	NEW-P	93-04-102	246-130-070	AMD-P	93-06-095	246-290-638	NEW-P	93-04-122
246-11-300	NEW	93-08-003	246-254-053	AMD-P	93-08-069	246-290-638	NEW	93-08-011
246-11-310	NEW-P	93-04-102	246-254-070	AMD-P	93-08-069	246-290-639	NEW-P	93-04-122
246-11-310	NEW	93-08-003	246-254-080	AMD-P	93-08-069	246-290-639	NEW	93-08-011
246-11-320	NEW-P	93-04-102	246-254-090	AMD-P	93-08-069	246-290-640	NEW-P	93-04-122
246-11-320	NEW	93-08-003	246-254-100	AMD-P	93-08-069	246-290-640	NEW	93-08-011
246-11-330	NEW-P	93-04-102	246-254-120	AMD-P	93-08-069	246-290-650	NEW-P	93-04-122
246-11-330	NEW	93-08-003	246-290-001	AMD-P	93-04-122	246-290-650	NEW	93-08-011
246-11-340	NEW-P	93-04-102	246-290-001	AMD	93-08-011	246-290-652	NEW-P	93-04-122
246-11-340	NEW	93-08-003	246-290-010	AMD-P	93-04-122	246-290-652	NEW	93-08-011
246-11-350	NEW-P	93-04-102	246-290-010	AMD	93-08-011	246-290-654	NEW-P	93-04-122
246-11-350	NEW	93-08-003	246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-011
246-11-360	NEW-P	93-04-102	246-290-020	AMD	93-08-011	246-290-660	NEW-P	93-04-122
246-11-360	NEW	93-08-003	246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-011
246-11-370	NEW-P	93-04-102	246-290-030	AMD	93-08-011	246-290-662	NEW-P	93-04-122
246-11-370	NEW	93-08-003	246-290-040	AMD-P	93-04-122	246-290-662	NEW	93-08-011
246-11-380	NEW-P	93-04-102	246-290-040	AMD	93-08-011	246-290-664	NEW-P	93-04-122
246-11-380	NEW	93-08-003	246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-011
246-11-390	NEW-P	93-04-102	246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-122
246-11-390	NEW	93-08-003	246-290-060	AMD-P	93-04-122	246-290-666	NEW	93-08-011
246-11-400	NEW-P	93-04-102	246-290-060	AMD	93-08-011	246-290-668	NEW-P	93-04-122
246-11-400	NEW	93-08-003	246-290-100	AMD-P	93-04-122	246-290-668	NEW	93-08-011
246-11-420	NEW-P	93-04-102	246-290-100	AMD	93-08-011	246-290-670	NEW-P	93-04-122
246-11-420	NEW	93-08-003	246-290-110	AMD-P	93-04-122	246-290-670	NEW	93-08-011
246-11-430	NEW-P	93-04-102	246-290-110	AMD	93-08-011	246-290-672	NEW-P	93-04-122
246-11-430	NEW	93-08-003	246-290-120	AMD-P	93-04-122	246-290-672	NEW	93-08-011
246-11-440	NEW-P	93-04-102	246-290-120	AMD	93-08-011	246-290-674	NEW-P	93-04-122
246-11-440	NEW	93-08-003	246-290-130	AMD-P	93-04-122	246-290-674	NEW	93-08-011
246-11-450	NEW-P	93-04-102	246-290-130	AMD	93-08-011	246-290-676	NEW-P	93-04-122
246-11-450	NEW	93-08-003	246-290-135	NEW-P	93-04-122	246-290-676	NEW	93-08-011
246-11-470	NEW-P	93-04-102	246-290-135	NEW	93-08-011	246-290-678	NEW-P	93-04-122
246-11-470	NEW	93-08-003	246-290-200	AMD-P	93-04-122	246-290-678	NEW	93-08-011
246-11-480	NEW-P	93-04-102	246-290-200	AMD	93-08-011	246-290-680	NEW-P	93-04-122
246-11-480	NEW	93-08-003	246-290-210	REP-P	93-04-122	246-290-680	NEW	93-08-011
246-11-490	NEW-P	93-04-102	246-290-210	REP	93-08-011	246-290-686	NEW-P	93-04-122
246-11-490	NEW	93-08-003	246-290-230	AMD-P	93-04-122	246-290-686	NEW	93-08-011
246-11-500	NEW-P	93-04-102	246-290-230	AMD	93-08-011	246-290-690	NEW-P	93-04-122
246-11-500	NEW	93-08-003	246-290-250	AMD-P	93-04-122	246-290-690	NEW	93-08-011
246-11-510	NEW-P	93-04-102	246-290-250	AMD	93-08-011	246-290-692	NEW-P	93-04-122
246-11-510	NEW	93-08-003	246-290-300	AMD-P	93-04-122	246-290-692	NEW	93-08-011
246-11-520	NEW-P	93-04-102	246-290-300	AMD	93-08-011	246-290-694	NEW-P	93-04-122
246-11-520	NEW	93-08-003	246-290-310	AMD-P	93-04-122	246-290-694	NEW	93-08-011
246-11-530	NEW-P	93-04-102	246-290-310	AMD	93-08-011	246-290-696	NEW-P	93-04-122
246-11-530	NEW	93-08-003	246-290-320	AMD-P	93-04-122	246-290-696	NEW	93-08-011
246-11-540	NEW-P	93-04-102	246-290-320	AMD	93-08-011	246-293-440	REP-P	93-08-071
246-11-540	NEW	93-08-003	246-290-330	AMD-P	93-04-122	246-294-001	NEW	93-03-047
246-11-550	NEW-P	93-04-102	246-290-330	AMD	93-08-011	246-294-010	NEW	93-03-047
246-11-550	NEW	93-08-003	246-290-400	REP-P	93-04-122	246-294-020	NEW	93-03-047
246-11-560	NEW-P	93-04-102	246-290-400	REP	93-08-011	246-294-030	NEW	93-03-047
246-11-560	NEW	93-08-003	246-290-420	AMD-P	93-04-122	246-294-040	NEW	93-03-047
246-11-570	NEW-P	93-04-102	246-290-420	AMD	93-08-011	246-294-050	NEW	93-03-047
246-11-570	NEW	93-08-003	246-290-440	AMD-P	93-04-122	246-294-060	NEW	93-03-047



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-294-070	NEW	93-03-047	246-340-085	NEW-P	93-08-078	246-828-520	NEW	93-07-007
246-294-080	NEW	93-03-047	246-358-001	AMD	93-03-032	246-828-530	NEW	93-07-007
246-294-090	NEW	93-03-047	246-358-001	AMD-E	93-07-052	246-828-540	NEW	93-07-007
246-294-100	NEW	93-03-047	246-358-001	AMD-P	93-07-106	246-828-550	NEW	93-07-007
246-310-280	AMD-P	93-08-070	246-358-010	AMD	93-03-032	246-828-560	NEW	93-07-007
246-316-020	AMD-W	93-04-091	246-358-020	AMD	93-03-032	246-828-990	AMD-P	93-10-071
246-316-020	AMD-P	93-08-078	246-358-025	AMD	93-03-031	246-830-990	AMD-P	93-10-071
246-316-040	AMD-W	93-04-091	246-358-030	NEW	93-03-031	246-836-990	AMD-P	93-10-071
246-316-040	AMD-P	93-08-078	246-358-035	REP	93-03-032	246-838-120	AMD	93-04-080
246-316-045	NEW-W	93-04-091	246-358-045	AMD	93-03-032	246-838-330	NEW	93-04-080
246-316-045	NEW-P	93-08-078	246-358-055	AMD	93-03-032	246-838-990	AMD	93-07-023
246-316-050	AMD-W	93-04-091	246-358-065	AMD	93-03-032	246-839-115	NEW-P	93-06-091
246-316-050	AMD-P	93-08-078	246-358-075	AMD	93-03-032	246-839-990	AMD-P	93-08-080
246-318-010	AMD	93-07-011	246-358-085	AMD	93-03-032	246-843-001	AMD-P	93-08-105
246-318-040	AMD-W	93-04-091	246-358-095	AMD	93-03-032	246-843-010	AMD-P	93-08-105
246-318-040	AMD-P	93-08-078	246-358-105	AMD	93-03-032	246-843-090	AMD-P	93-08-105
246-318-042	NEW-W	93-04-091	246-358-115	AMD	93-03-032	246-843-180	AMD-P	93-08-105
246-318-042	NEW-P	93-08-078	246-358-125	AMD	93-03-032	246-843-205	AMD-P	93-08-105
246-318-500	AMD	93-07-011	246-358-135	AMD	93-03-032	246-843-990	AMD-P	93-10-071
246-318-510	AMD	93-07-011	246-358-140	NEW	93-03-032	246-845-020	REP-P	93-10-039
246-318-520	AMD	93-07-011	246-358-145	AMD	93-03-032	246-845-030	REP-P	93-10-039
246-318-530	AMD	93-07-011	246-358-155	AMD	93-03-032	246-845-040	REP-P	93-10-039
246-318-540	AMD	93-07-011	246-358-165	AMD	93-03-032	246-845-050	NEW-P	93-10-039
246-318-550	AMD	93-07-011	246-358-175	AMD	93-03-032	246-845-060	NEW-P	93-10-039
246-318-560	AMD	93-07-011	246-358-990	AMD	93-03-031	246-845-070	NEW-P	93-10-039
246-318-570	AMD	93-07-011	246-388-070	AMD-W	93-04-091	246-845-080	NEW-P	93-10-039
246-318-580	AMD	93-07-011	246-388-070	AMD-P	93-08-078	246-845-090	NEW-P	93-10-039
246-318-590	AMD	93-07-011	246-388-072	NEW-W	93-04-091	246-845-100	NEW-P	93-10-039
246-318-600	AMD	93-07-011	246-388-072	NEW-P	93-08-078	246-845-110	NEW-P	93-10-039
246-318-610	AMD	93-07-011	246-806-090	AMD-P	93-06-090	246-845-990	AMD-P	93-10-071
246-318-620	AMD	93-07-011	246-806-090	AMD-W	93-09-054	246-849-200	NEW-P	93-03-046
246-318-630	AMD	93-07-011	246-806-100	AMD-P	93-06-090	246-849-200	NEW	93-10-008
246-318-640	AMD	93-07-011	246-806-100	AMD	93-09-055	246-849-210	NEW-P	93-03-046
246-318-650	AMD	93-07-011	246-806-110	AMD-P	93-06-090	246-849-210	NEW	93-10-008
246-318-660	AMD	93-07-011	246-806-110	AMD	93-09-055	246-849-220	NEW-P	93-03-046
246-318-670	AMD	93-07-011	246-806-130	AMD-P	93-06-090	246-849-220	NEW	93-10-008
246-318-680	AMD	93-07-011	246-806-130	AMD	93-09-055	246-849-230	NEW-P	93-03-046
246-318-690	AMD	93-07-011	246-806-140	AMD-P	93-06-090	246-849-230	NEW	93-10-008
246-318-700	AMD	93-07-011	246-806-140	AMD	93-09-055	246-849-240	NEW-P	93-03-046
246-318-710	AMD	93-07-011	246-806-150	REP-P	93-06-090	246-849-240	NEW	93-10-008
246-318-720	AMD	93-07-011	246-806-150	REP	93-09-055	246-849-250	NEW-P	93-03-046
246-318-730	AMD	93-07-011	246-806-160	AMD-P	93-06-090	246-849-250	NEW	93-10-008
246-318-740	AMD	93-07-011	246-806-160	AMD	93-09-055	246-849-260	NEW-P	93-03-046
246-318-750	AMD	93-07-011	246-806-190	AMD-P	93-06-090	246-849-260	NEW	93-10-008
246-318-760	AMD	93-07-011	246-806-190	AMD	93-09-055	246-849-270	NEW-P	93-03-046
246-318-770	AMD	93-07-011	246-807-395	NEW-E	93-10-006	246-849-270	NEW	93-10-008
246-318-780	AMD	93-07-011	246-807-396	NEW-E	93-10-006	246-849-990	AMD-P	93-10-071
246-318-790	AMD	93-07-011	246-810-020	AMD-P	93-10-071	246-851-110	AMD-P	93-08-079
246-318-799	REP	93-07-011	246-810-990	AMD-P	93-10-071	246-851-270	REVIEW	93-03-030
246-318-800	AMD	93-07-011	246-815-100	AMD	93-06-042A	246-851-360	REVIEW	93-03-030
246-318-810	AMD	93-07-011	246-816-220	AMD-P	93-08-106	246-851-360	AMD-P	93-08-079
246-318-820	AMD	93-07-011	246-816-225	NEW-P	93-08-106	246-851-520	REVIEW	93-03-030
246-318-830	AMD	93-07-011	246-818-120	AMD	93-07-108	246-851-530	REVIEW	93-03-030
246-318-840	AMD	93-07-011	246-818-130	AMD-S	93-07-107	246-851-530	REP-P	93-08-079
246-318-850	AMD	93-07-011	246-818-140	AMD	93-07-108	246-851-540	NEW-P	93-08-079
246-318-860	AMD	93-07-011	246-824-040	AMD-P	93-10-040	246-851-550	NEW-P	93-08-079
246-318-870	AMD	93-07-011	246-824-071	NEW-P	93-10-040	246-851-560	NEW-P	93-08-079
246-318-99902	AMD	93-07-011	246-824-072	NEW-P	93-10-040	246-857-020	REP	93-04-017
246-321-018	NEW-W	93-04-091	246-824-073	NEW-P	93-10-040	246-857-030	REP	93-04-017
246-321-018	NEW-P	93-08-078	246-824-200	NEW-P	93-02-066	246-857-040	REP	93-04-017
246-323-022	NEW-W	93-04-091	246-824-210	NEW-P	93-02-066	246-857-050	REP	93-04-017
246-323-022	NEW-P	93-08-078	246-824-220	NEW-P	93-02-066	246-857-060	REP	93-04-017
246-325-022	NEW-W	93-04-091	246-824-230	NEW-P	93-02-066	246-857-070	REP	93-04-017
246-325-022	NEW-P	93-08-078	246-824-240	NEW-P	93-02-066	246-857-080	REP	93-04-017
246-327-090	NEW-W	93-04-091	246-824-990	AMD-P	93-10-071	246-857-090	REP	93-04-017
246-327-090	NEW-P	93-08-078	246-828-005	NEW	93-07-009	246-857-100	REP	93-04-017
246-329-035	NEW-W	93-04-091	246-828-340	AMD	93-07-010	246-857-110	REP	93-04-017
246-329-035	NEW-P	93-08-078	246-828-400	NEW	93-07-008	246-857-120	REP	93-04-017
246-331-100	NEW-W	93-04-091	246-828-410	NEW	93-07-008	246-857-130	REP	93-04-017
246-331-100	NEW-P	93-08-078	246-828-420	NEW	93-07-008	246-857-140	REP	93-04-017
246-336-100	NEW-W	93-04-091	246-828-430	NEW	93-07-008	246-857-150	REP	93-04-017
246-336-100	NEW-P	93-08-078	246-838-500	NEW	93-07-007	246-857-160	REP	93-04-017
246-340-085	NEW-W	93-04-091	246-828-510	NEW	93-07-007	246-857-170	REP	93-04-017

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-857-180	REP	93-04-017	246-924-359	NEW-P	93-02-067	251-12-240	AMD	93-06-033
246-857-190	REP	93-04-017	246-924-359	NEW	93-07-036	251-12-290	AMD	93-06-033
246-857-200	REP	93-04-017	246-924-360	REP-P	93-02-067	251-22-215	REP	93-06-032
246-857-210	REP	93-04-017	246-924-360	REP	93-07-036	260-48-110	AMD-E	93-09-008
246-857-220	REP	93-04-017	246-924-361	NEW-P	93-02-067	275-26-065	AMD	93-04-029
246-857-230	REP	93-04-017	246-924-361	NEW	93-07-036	284-07-060	NEW-C	93-04-062
246-857-240	REP	93-04-017	246-924-363	NEW-P	93-02-067	284-07-060	NEW	93-07-020
246-857-250	REP	93-04-017	246-924-363	NEW	93-07-036	287-04-030	REP	93-04-008
246-857-260	REP	93-04-017	246-924-364	NEW-P	93-02-067	287-04-031	NEW	93-04-008
246-857-270	REP	93-04-017	246-924-364	NEW	93-07-036	296-04-270	AMD	93-04-100
246-857-280	REP	93-04-017	246-924-365	NEW-P	93-02-067	296-04-280	AMD	93-04-100
246-857-290	REP	93-04-017	246-924-365	NEW	93-07-036	296-15-022	AMD-P	93-07-115
246-857-300	REP	93-04-017	246-924-366	NEW-P	93-02-067	296-15-023	AMD-P	93-07-115
246-857-310	REP	93-04-017	246-924-366	NEW	93-07-036	296-15-030	AMD-P	93-07-115
246-857-320	REP	93-04-017	246-924-367	NEW-P	93-02-067	296-15-060	AMD-P	93-07-115
246-857-330	REP	93-04-017	246-924-367	NEW	93-07-036	296-15-065	AMD-P	93-07-115
246-857-340	REP	93-04-017	246-924-370	REP-P	93-02-067	296-17-350	AMD-P	93-07-114
246-863-050	AMD-P	93-04-101	246-924-370	REP	93-07-036	296-17-430	AMD-P	93-07-114
246-863-050	AMD	93-10-007	246-924-380	REP-P	93-02-067	296-17-440	AMD-P	93-07-114
246-863-130	NEW-W	93-04-018	246-924-380	REP	93-07-036	296-17-450	AMD-P	93-07-114
246-869-245	NEW-W	93-07-051	246-924-390	REP-P	93-02-067	296-17-501	AMD-P	93-07-114
246-883-030	AMD	93-05-046	246-924-390	REP	93-07-036	296-17-506	AMD-P	93-07-114
246-887-132	NEW-P	93-08-108	246-924-400	REP-P	93-02-067	296-17-50601	AMD-P	93-07-114
246-887-160	AMD	93-06-093	246-924-400	REP	93-07-036	296-17-50602	AMD-P	93-07-114
246-887-160	AMD-P	93-08-109	246-924-410	REP-P	93-02-067	296-17-510	AMD-P	93-07-114
246-901-030	AMD-P	93-08-107	246-924-410	REP	93-07-036	296-17-512	AMD-P	93-07-114
246-901-060	AMD-P	93-08-107	246-924-420	REP-P	93-02-067	296-17-521	AMD-P	93-07-114
246-901-065	NEW-P	93-08-107	246-924-420	REP	93-07-036	296-17-52102	AMD-P	93-07-114
246-903-010	AMD	93-04-016	246-924-430	REP-P	93-02-067	296-17-52108	AMD-P	93-07-114
246-903-020	AMD	93-04-016	246-924-430	REP	93-07-036	296-17-52110	AMD-P	93-07-114
246-907-030	AMD	93-05-045	246-924-440	REP-P	93-02-067	296-17-524	AMD-P	93-07-114
246-915-020	AMD	93-04-081	246-924-440	REP	93-07-036	296-17-526	AMD-P	93-07-114
246-915-080	AMD	93-04-081	246-924-450	REP-P	93-02-067	296-17-527	AMD-P	93-07-114
246-915-085	NEW-W	93-04-082	246-924-450	REP	93-07-036	296-17-53504	AMD-P	93-07-114
246-915-120	AMD	93-04-081	246-930-499	AMD-P	93-10-072	296-17-538	AMD-P	93-07-114
246-915-140	AMD-W	93-04-082	246-933-010	AMD-P	93-04-079	296-17-545	AMD-P	93-07-114
246-915-145	NEW-W	93-04-082	246-933-010	AMD	93-08-029	296-17-555	AMD-P	93-07-114
246-917-121	AMD-P	93-05-047	246-933-180	NEW-P	93-04-079	296-17-56101	NEW-P	93-07-114
246-918-260	AMD-P	93-05-047	246-933-180	NEW	93-08-029	296-17-562	AMD-P	93-07-114
246-922-035	NEW-P	93-08-082	246-933-980	AMD-P	93-04-079	296-17-568	AMD-P	93-07-114
246-922-235	NEW-P	93-08-082	246-933-980	AMD	93-08-029	296-17-56901	AMD-P	93-07-114
246-922-275	NEW-P	93-08-082	246-933-990	AMD-P	93-04-121	296-17-57001	AMD-P	93-07-114
246-924-040	AMD-P	93-02-065	246-933-990	AMD	93-08-028	296-17-57002	AMD-P	93-07-114
246-924-040	AMD	93-06-092	246-933-990	AMD-P	93-10-071	296-17-57003	AMD-P	93-07-114
246-924-050	AMD-P	93-02-065	246-935-060	AMD-P	93-08-081	296-17-572	AMD-P	93-07-114
246-924-050	AMD	93-06-092	246-935-070	AMD-P	93-04-079	296-17-574	AMD-P	93-07-114
246-924-055	NEW-P	93-02-065	246-935-070	AMD	93-08-029	296-17-579	AMD-P	93-07-114
246-924-055	NEW	93-06-092	246-935-080	REP-P	93-04-079	296-17-580	AMD-P	93-07-114
246-924-060	AMD-P	93-02-065	246-935-080	REP	93-08-029	296-17-582	AMD-P	93-07-114
246-924-060	AMD	93-06-092	246-935-125	AMD-P	93-04-079	296-17-58201	NEW-P	93-07-114
246-924-065	NEW-P	93-02-065	246-935-125	AMD	93-08-029	296-17-584	AMD-P	93-07-114
246-924-065	NEW	93-06-092	246-935-990	AMD-P	93-10-071	296-17-58502	AMD-P	93-07-114
246-924-070	AMD-P	93-04-014	250-20-011	AMD-P	93-03-087	296-17-594	AMD-P	93-07-114
246-924-070	AMD-E	93-06-023	250-20-011	AMD-E	93-04-070	296-17-604	AMD-P	93-07-114
246-924-070	AMD	93-07-078	250-20-011	AMD	93-08-010	296-17-606	AMD-P	93-07-114
246-924-350	REP-P	93-02-067	250-20-015	AMD-P	93-03-087	296-17-618	AMD-P	93-07-114
246-924-350	REP	93-07-036	250-20-015	AMD-E	93-04-070	296-17-61804	AMD-P	93-07-114
246-924-351	NEW-P	93-02-067	250-20-015	AMD	93-08-010	296-17-646	AMD-P	93-07-114
246-924-351	NEW	93-07-036	250-20-021	AMD-P	93-03-087	296-17-669	AMD-P	93-07-114
246-924-352	NEW-P	93-02-067	250-20-021	AMD-E	93-04-070	296-17-676	AMD-P	93-07-114
246-924-352	NEW	93-07-036	250-20-021	AMD	93-08-010	296-17-67601	AMD-P	93-07-114
246-924-353	NEW-P	93-02-067	250-20-031	AMD-P	93-03-087	296-17-67602	AMD-P	93-07-114
246-924-353	NEW	93-07-036	250-20-031	AMD-E	93-04-070	296-17-686	AMD-P	93-07-114
246-924-354	NEW-P	93-02-067	250-20-031	AMD	93-08-010	296-17-690	AMD-P	93-07-114
246-924-354	NEW	93-07-036	250-20-041	AMD-P	93-03-087	296-17-700	AMD-P	93-07-114
246-924-355	NEW-P	93-02-067	250-20-041	AMD-E	93-04-070	296-17-704	AMD-P	93-07-114
246-924-355	NEW	93-07-036	250-20-041	AMD	93-08-010	296-17-707	AMD-P	93-07-114
246-924-356	NEW-P	93-02-067	250-20-051	AMD-P	93-03-087	296-17-708	AMD-P	93-07-114
246-924-356	NEW	93-07-036	250-20-051	AMD-E	93-04-070	296-17-710	AMD-P	93-07-114
246-924-357	NEW-P	93-02-067	250-20-051	AMD	93-08-010	296-17-715	AMD-P	93-07-114
246-924-357	NEW	93-07-036	250-44-050	AMD	93-07-061	296-17-721	AMD-P	93-07-114
246-924-358	NEW-P	93-02-067	250-44-110	AMD	93-07-061	296-17-724	AMD-P	93-07-114
246-924-358	NEW	93-07-036	250-44-130	AMD	93-07-061	296-17-747	AMD-P	93-07-114

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-17-758	AMD-P	93-07-114	296-62-07429	NEW-P	93-02-057	296-104-010	AMD-P	93-08-073
296-17-759	AMD-P	93-07-114	296-62-07429	NEW	93-07-044	296-104-055	AMD-P	93-08-073
296-17-761	AMD-P	93-07-114	296-62-07431	NEW-P	93-02-057	296-104-200	AMD-P	93-08-073
296-17-762	AMD-P	93-07-114	296-62-07431	NEW	93-07-044	296-104-500	AMD-P	93-08-073
296-17-76201	AMD-P	93-07-114	296-62-07433	NEW-P	93-02-057	296-104-501	AMD-P	93-08-073
296-17-76202	AMD-P	93-07-114	296-62-07433	NEW	93-07-044	296-104-700	AMD-P	93-08-073
296-17-76204	AMD-P	93-07-114	296-62-07441	NEW-P	93-02-057	296-116-082	AMD-E	93-06-012
296-17-76205	AMD-P	93-07-114	296-62-07441	NEW	93-07-044	296-116-082	AMD-P	93-06-052
296-17-777	AMD-P	93-07-114	296-62-07443	NEW-P	93-02-057	296-116-082	AMD	93-09-016
296-17-855	AMD-P	93-07-114	296-62-07443	NEW	93-07-044	296-116-110	AMD-P	93-04-109
296-17-873	AMD-P	93-07-114	296-62-07445	NEW-P	93-02-057	296-116-110	AMD	93-07-076
296-17-895	AMD-P	93-07-114	296-62-07445	NEW	93-07-044	296-116-185	AMD-C	93-03-001
296-17-89501	NEW-P	93-07-114	296-62-07447	NEW-P	93-02-057	296-116-185	AMD	93-03-080
296-17-896	REP-P	93-07-114	296-62-07447	NEW	93-07-044	296-116-185	AMD-P	93-10-102
296-24-11003	AMD-P	93-10-101	296-62-07449	NEW-P	93-02-057	296-116-300	AMD-P	93-08-027
296-24-70007	AMD-P	93-10-101	296-62-07449	NEW	93-07-044	296-116-360	AMD-P	93-04-110
296-46-090	AMD	93-06-072	296-62-07451	NEW	93-02-057	296-116-360	AMD	93-07-077
296-46-140	AMD	93-06-072	296-62-07451	NEW	93-07-044	296-116-360	NEW	93-04-112
296-46-150	AMD	93-06-072	296-62-076	NEW	93-04-111	296-155-012	AMD-P	93-10-101
296-46-21008	AMD	93-06-072	296-62-07601	NEW	93-04-111	296-155-173	NEW	93-04-111
296-46-21052	AMD	93-06-072	296-62-07603	NEW	93-04-111	296-155-17301	NEW	93-04-111
296-46-220	AMD	93-06-072	296-62-07605	NEW	93-04-111	296-155-17303	NEW	93-04-111
296-46-225	NEW	93-06-072	296-62-07607	NEW	93-04-111	296-155-17305	NEW	93-04-111
296-46-23040	AMD	93-06-072	296-62-07609	NEW	93-04-111	296-155-17307	NEW	93-04-111
296-46-23062	AMD	93-06-072	296-62-07611	NEW	93-04-111	296-155-17309	NEW	93-04-111
296-46-316	AMD	93-06-072	296-62-07613	NEW	93-04-111	296-155-17311	NEW	93-04-111
296-46-360	AMD	93-06-072	296-62-07615	NEW	93-04-111	296-155-17313	NEW	93-04-111
296-46-365	NEW	93-06-072	296-62-07617	NEW	93-04-111	296-155-17315	NEW	93-04-111
296-46-422	AMD	93-06-072	296-62-07619	NEW	93-04-111	296-155-17317	NEW	93-04-111
296-46-495	AMD	93-06-072	296-62-07621	NEW	93-04-111	296-155-17319	NEW	93-04-111
296-46-514	AMD	93-06-072	296-62-07623	NEW	93-04-111	296-155-17321	NEW	93-04-111
296-46-517	REP	93-06-072	296-62-07625	NEW	93-04-111	296-155-17323	NEW	93-04-111
296-46-55001	REP	93-06-072	296-62-07627	NEW	93-04-111	296-155-17325	NEW	93-04-111
296-46-680	AMD	93-06-072	296-62-07629	NEW	93-04-111	296-155-17327	NEW	93-04-111
296-46-700	AMD	93-06-072	296-62-07631	NEW	93-04-111	296-155-17329	NEW	93-04-111
296-46-702	NEW	93-06-072	296-62-07633	NEW	93-04-111	296-155-17331	NEW	93-04-111
296-46-710	NEW	93-06-072	296-62-07635	NEW	93-04-111	296-155-17333	NEW	93-04-111
296-46-935	NEW	93-03-048	296-62-07637	NEW	93-04-111	296-155-17335	NEW	93-04-111
296-56-60001	AMD-P	93-02-057	296-62-07639	NEW	93-04-111	296-155-17337	NEW	93-04-111
296-56-60001	AMD	93-07-044	296-62-07654	NEW	93-04-111	296-155-17339	NEW	93-04-111
296-56-60005	AMD-P	93-10-101	296-62-07656	NEW	93-04-111	296-155-17341	NEW	93-04-111
296-56-60235	AMD-P	93-10-101	296-62-07658	NEW	93-04-111	296-155-17343	NEW	93-04-111
296-62-07105	AMD-P	93-10-101	296-62-07660	NEW	93-04-111	296-155-17345	NEW	93-04-111
296-62-074	NEW-P	93-02-057	296-62-07662	NEW	93-04-111	296-155-17347	NEW	93-04-111
296-62-074	NEW	93-07-044	296-62-07664	NEW	93-04-111	296-155-17349	NEW	93-04-111
296-62-07401	NEW-P	93-02-057	296-62-07666	NEW	93-04-111	296-155-17351	NEW	93-04-111
296-62-07401	NEW	93-07-044	296-62-07668	NEW	93-04-111	296-155-17353	NEW	93-04-111
296-62-07403	NEW-P	93-02-057	296-62-07670	NEW	93-04-111	296-155-17355	NEW	93-04-111
296-62-07403	NEW	93-07-044	296-62-07672	NEW	93-04-111	296-155-17357	NEW	93-04-111
296-62-07405	NEW-P	93-02-057	296-62-07711	AMD-P	93-10-101	296-155-17359	NEW	93-04-111
296-62-07405	NEW	93-07-044	296-62-3090	AMD-P	93-10-101	296-155-174	NEW-P	93-02-057
296-62-07407	NEW-P	93-02-057	296-62-14501	AMD-P	93-10-101	296-155-174	NEW	93-07-044
296-62-07407	NEW	93-07-044	296-62-14503	AMD-P	93-10-101	296-155-203	AMD-P	93-10-101
296-62-07409	NEW-P	93-02-057	296-62-14505	AMD-P	93-10-101	296-155-20301	AMD-P	93-10-101
296-62-07409	NEW	93-07-044	296-62-14507	AMD-P	93-10-101	296-155-20307	AMD-P	93-10-101
296-62-07411	NEW-P	93-02-057	296-62-14509	AMD-P	93-10-101	296-155-24510	AMD-P	93-10-101
296-62-07411	NEW	93-07-044	296-62-14511	AMD-P	93-10-101	296-155-300	AMD-P	93-10-101
296-62-07413	NEW-P	93-02-057	296-62-14513	AMD-P	93-10-101	296-155-305	AMD-P	93-10-101
296-62-07413	NEW	93-07-044	296-62-14515	AMD-P	93-10-101	296-155-310	AMD-P	93-10-101
296-62-07415	NEW-P	93-02-057	296-62-14517	AMD-P	93-10-101	296-155-375	AMD	93-04-111
296-62-07415	NEW	93-07-044	296-62-14519	AMD-P	93-10-101	296-155-444	AMD-P	93-10-101
296-62-07417	NEW-P	93-02-057	296-62-14521	AMD-P	93-10-101	296-155-447	AMD-P	93-10-101
296-62-07417	NEW	93-07-044	296-62-14523	AMD-P	93-10-101	296-155-449	AMD-P	93-10-101
296-62-07419	NEW-P	93-02-057	296-62-14525	AMD-P	93-10-101	296-155-459	AMD-P	93-10-101
296-62-07419	NEW	93-07-044	296-62-14527	AMD-P	93-10-101	296-155-462	AMD-P	93-10-101
296-62-07421	NEW-P	93-02-057	296-62-14529	AMD-P	93-10-101	296-304-01001	AMD-P	93-10-101
296-62-07421	NEW	93-07-044	296-62-14540	NEW-P	93-10-101	296-304-020	AMD	93-04-111
296-62-07423	NEW-P	93-02-057	296-62-14542	NEW-P	93-10-101	296-304-02003	AMD-P	93-10-101
296-62-07423	NEW	93-07-044	296-62-14545	NEW-P	93-10-101	296-304-03001	AMD-P	93-10-101
296-62-07425	NEW-P	93-02-057	296-62-14547	NEW-P	93-10-101	296-304-03005	AMD-P	93-10-101
296-62-07425	NEW	93-07-044	296-62-14549	NEW-P	93-10-101	296-304-03007	AMD-P	93-10-101
296-62-07427	NEW-P	93-02-057	296-62-14551	NEW-P	93-10-101	296-304-04001	AMD-P	93-10-101
296-62-07427	NEW	93-07-044	296-62-14553	NEW-P	93-10-101	296-304-04005	AMD-P	93-10-101

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-304-09003	AMD-P	93-10-101	296-306-27095	AMD	93-07-012	308-63-080	NEW	93-08-076
296-306	AMD-C	93-02-031	296-306-330	NEW	93-07-012	308-63-090	NEW	93-08-076
296-306-010	AMD	93-07-012	296-306-33001	NEW-W	93-10-041	308-63-100	NEW	93-08-076
296-306-01001	NEW-P	93-02-057	296-306-400	AMD	93-07-012	308-63-110	NEW	93-08-076
296-306-01001	NEW	93-07-044	296-306-40003	AMD	93-07-012	308-63-120	NEW	93-08-076
296-306-012	AMD	93-07-012	296-306-40007	NEW	93-07-012	308-63-130	NEW	93-08-076
296-306-035	AMD	93-07-012	296-306-40009	NEW	93-07-012	308-63-140	NEW	93-08-076
296-306-060	AMD	93-07-012	296-306-40011	NEW	93-07-012	308-63-150	NEW	93-08-076
296-306-061	NEW	93-07-012	296-401-075	NEW	93-03-048	308-63-160	NEW	93-08-076
296-306-06101	NEW-W	93-10-041	308-17-150	AMD-P	93-07-099	308-65-010	NEW	93-08-076
296-306-06103	NEW-W	93-10-041	308-18-150	AMD-P	93-07-098	308-65-020	NEW	93-08-076
296-306-06105	NEW-W	93-10-041	308-30-005	NEW	93-05-009	308-65-030	NEW	93-08-076
296-306-06107	NEW-W	93-10-041	308-30-010	AMD	93-05-009	308-65-040	NEW	93-08-076
296-306-06109	NEW-W	93-10-041	308-30-020	AMD	93-05-009	308-65-050	NEW	93-08-076
296-306-06111	NEW-W	93-10-041	308-30-030	AMD	93-05-009	308-65-060	NEW	93-08-076
296-306-06113	NEW-W	93-10-041	308-30-040	AMD	93-05-009	308-65-070	NEW	93-08-076
296-306-06115	NEW-W	93-10-041	308-30-050	AMD	93-05-009	308-65-080	NEW	93-08-076
296-306-06117	NEW-W	93-10-041	308-30-060	AMD	93-05-009	308-65-090	NEW	93-08-076
296-306-06119	NEW-W	93-10-041	308-30-070	AMD	93-05-009	308-65-100	NEW	93-08-076
296-306-062	NEW-W	93-10-041	308-30-080	AMD	93-05-009	308-65-110	NEW	93-08-076
296-306-063	NEW-W	93-10-041	308-30-090	AMD	93-05-009	308-65-120	NEW	93-08-076
296-306-064	NEW-W	93-10-041	308-30-110	NEW-W	93-08-083	308-65-130	NEW	93-08-076
296-306-06401	NEW-W	93-10-041	308-30-120	NEW	93-05-009	308-65-140	NEW	93-08-076
296-306-06403	NEW-W	93-10-041	308-30-130	NEW	93-05-009	308-65-150	NEW	93-08-076
296-306-06405	NEW-W	93-10-041	308-30-140	NEW	93-05-009	308-65-160	NEW	93-08-076
296-306-06407	NEW-W	93-10-041	308-30-150	NEW	93-05-009	308-65-170	NEW	93-08-076
296-306-06409	NEW-W	93-10-041	308-30-155	NEW	93-05-009	308-65-180	NEW	93-08-076
296-306-06411	NEW-W	93-10-041	308-30-160	NEW	93-05-009	308-65-190	NEW	93-08-076
296-306-06413	NEW-W	93-10-041	308-30-170	NEW-W	93-08-083	308-66-196	NEW-P	93-10-073
296-306-06415	NEW-W	93-10-041	308-30-180	NEW-W	93-08-083	314-12-020	AMD-P	93-07-110
296-306-06417	NEW-W	93-10-041	308-30-190	NEW-W	93-08-083	314-12-020	AMD-W	93-10-069
296-306-067	NEW-W	93-19-041	308-56A-115	AMD-P	93-10-073	314-12-025	AMD-P	93-07-110
296-306-06701	NEW-W	93-10-041	308-56A-125	AMD-P	93-10-073	314-12-025	AMD	93-10-070
296-306-06703	NEW-W	93-10-041	308-56A-140	AMD-P	93-10-073	314-12-030	AMD-P	93-06-066
296-306-06705	NEW-W	93-10-041	308-56A-160	NEW-P	93-10-073	314-12-030	AMD	93-10-092
296-306-06707	NEW-W	93-10-041	308-56A-420	AMD-P	93-10-073	314-12-140	AMD-P	93-07-110
296-306-06709	NEW-W	93-10-041	308-61	AMD	93-08-076	314-12-140	AMD	93-10-070
296-306-068	NEW-W	93-10-041	308-61-010	REP	93-08-076	314-16-020	AMD-P	93-07-110
296-306-06801	NEW-W	93-10-041	308-61-025	REP	93-08-076	314-16-020	AMD	93-10-070
296-306-06803	NEW-W	93-10-041	308-61-026	AMD	93-08-076	314-16-030	AMD-P	93-07-110
296-306-06805	NEW-W	93-10-041	308-61-030	REP	93-08-076	314-16-030	AMD-W	93-10-069
296-306-070	AMD	93-07-012	308-61-040	REP	93-08-076	314-16-190	AMD-P	93-06-066
296-306-081	NEW-W	93-10-041	308-61-135	AMD	93-08-076	314-16-190	AMD	93-10-092
296-306-08101	NEW-W	93-10-041	308-61-168	AMD	93-08-076	314-16-196	AMD-P	93-06-066
296-306-08103	NEW-W	93-10-041	308-61-200	REP	93-08-076	314-16-196	AMD	93-10-092
296-306-08105	NEW-W	93-10-041	308-61-205	REP	93-08-076	314-20-015	AMD-P	93-07-109
296-306-082	NEW-W	93-10-041	308-61-210	REP	93-08-076	314-20-030	AMD-P	93-07-110
296-306-08201	NEW-W	93-10-041	308-61-220	REP	93-08-076	314-20-030	AMD	93-10-070
296-306-083	NEW-W	93-10-041	308-61-230	REP	93-08-076	314-20-070	AMD-P	93-06-066
296-306-08301	NEW-W	93-10-041	308-61-240	REP	93-08-076	314-20-070	AMD	93-10-092
296-306-08307	NEW-W	93-10-041	308-61-250	REP	93-08-076	314-24-095	AMD-P	93-07-109
296-306-084	NEW	93-07-012	308-61-260	REP	93-08-076	314-24-160	AMD-P	93-07-109
296-306-08401	NEW-W	93-10-041	308-61-270	REP	93-08-076	314-40-030	AMD-P	93-07-109
296-306-08403	NEW-W	93-10-041	308-61-300	REP	93-08-076	314-52-080	AMD-P	93-07-109
296-306-08405	NEW-W	93-10-041	308-61-305	REP	93-08-076	314-70-050	NEW-P	93-07-109
296-306-08407	NEW-W	93-10-041	308-61-310	REP	93-08-076	315-02-230	NEW	93-04-004
296-306-08409	NEW-W	93-10-041	308-61-320	REP	93-08-076	315-06-120	AMD	93-04-004
296-306-105	AMD	93-07-012	308-61-330	REP	93-08-076	315-06-125	AMD	93-04-004
296-306-115	AMD	93-07-012	308-61-340	REP	93-08-076	315-06-125	AMD-P	93-07-121
296-306-145	AMD	93-07-012	308-61-400	REP	93-08-076	315-06-130	AMD	93-04-004
296-306-14501	NEW-W	93-10-041	308-61-405	REP	93-08-076	315-11-890	AMD-P	93-03-094
296-306-14503	NEW-W	93-10-041	308-61-410	REP	93-08-076	315-11-890	AMD	93-07-016
296-306-14505	NEW-W	93-10-041	308-61-420	REP	93-08-076	315-11-920	NEW	93-03-008
296-306-14507	NEW-W	93-10-041	308-61-430	REP	93-08-076	315-11-921	NEW	93-03-008
296-306-14509	NEW-W	93-10-041	308-61-440	REP	93-08-076	315-11-922	NEW	93-03-008
296-306-146	NEW-W	93-10-041	308-61-450	REP	93-08-076	315-11-930	NEW	93-03-008
296-306-147	NEW-W	93-10-041	308-63-010	NEW	93-08-076	315-11-931	NEW	93-03-008
296-306-148	NEW-W	93-10-041	308-63-020	NEW	93-08-076	315-11-932	NEW	93-03-008
296-306-165	AMD	93-07-012	308-63-030	NEW	93-08-076	315-11-940	NEW	93-03-008
296-306-200	AMD	93-07-012	308-63-040	NEW	93-08-076	315-11-941	NEW	93-03-008
296-306-26001	AMD	93-07-012	308-63-050	NEW	93-08-076	315-11-942	NEW	93-03-008
296-306-265	AMD	93-07-012	308-63-060	NEW	93-08-076	315-11-950	NEW-P	93-03-094
296-306-270	AMD	93-07-012	308-63-070	NEW	93-08-076	315-11-950	NEW	93-07-016

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
315-11-951	NEW-P	93-03-094	317-20-080	NEW-P	93-02-055
315-11-951	NEW	93-07-016	317-20-080	NEW	93-07-005
315-11-952	NEW-P	93-03-094	317-20-090	NEW-P	93-02-055
315-11-952	NEW	93-07-016	317-20-090	NEW	93-07-005
315-11-960	NEW-P	93-03-094	317-20-100	NEW-P	93-02-055
315-11-960	NEW	93-07-016	317-20-100	NEW	93-07-005
315-11-961	NEW-P	93-03-094	317-20-110	NEW-P	93-02-055
315-11-961	NEW	93-07-016	317-20-110	NEW	93-07-005
315-11-962	NEW-P	93-03-094	317-20-120	NEW-P	93-02-055
315-11-962	NEW	93-07-016	317-20-120	NEW	93-07-005
315-11-970	NEW-P	93-03-094	317-20-130	NEW-P	93-02-055
315-11-970	NEW	93-07-016	317-20-130	NEW	93-07-005
315-11-971	NEW-P	93-03-094	317-20-140	NEW-P	93-02-055
315-11-971	NEW	93-07-016	317-20-140	NEW	93-07-005
315-11-972	NEW-P	93-03-094	317-20-150	NEW-P	93-02-055
315-11-972	NEW	93-07-016	317-20-150	NEW	93-07-005
315-11-980	NEW-P	93-07-121	317-20-155	NEW	93-07-005
315-11-981	NEW-P	93-07-121	317-20-160	NEW-P	93-02-055
315-11-982	NEW-P	93-07-121	317-20-160	NEW	93-07-005
315-11-990	NEW-P	93-07-121	317-20-165	NEW-P	93-02-055
315-11-991	NEW-P	93-07-121	317-20-165	NEW	93-07-005
315-11-992	NEW-P	93-07-121	317-20-170	NEW-P	93-02-055
315-11A-100	NEW-P	93-07-121	317-20-170	NEW	93-07-005
315-34-040	AMD	93-03-008	317-20-180	NEW-P	93-02-055
317-01-010	NEW-P	93-06-086	317-20-180	NEW	93-07-005
317-01-020	NEW-P	93-06-086	317-20-190	NEW-P	93-02-055
317-01-030	NEW-P	93-06-086	317-20-190	NEW	93-07-005
317-02-010	NEW-P	93-06-087	317-20-200	NEW-P	93-02-055
317-02-020	NEW-P	93-06-087	317-20-200	NEW	93-07-005
317-02-030	NEW-P	93-06-087	317-20-210	NEW-P	93-02-055
317-02-040	NEW-P	93-06-087	317-20-210	NEW	93-07-005
317-02-050	NEW-P	93-06-087	317-20-220	NEW-P	93-02-055
317-02-060	NEW-P	93-06-087	317-20-220	NEW	93-07-005
317-02-070	NEW-P	93-06-087	317-20-230	NEW-P	93-02-055
317-02-080	NEW-P	93-06-087	317-20-230	NEW	93-07-005
317-02-090	NEW-P	93-06-087	317-20-240	NEW-P	93-02-055
317-02-100	NEW-P	93-06-087	317-20-240	NEW	93-07-005
317-02-110	NEW-P	93-06-087	317-20-240	NEW-P	93-02-055
317-02-120	NEW-P	93-06-087	317-20-240	NEW	93-07-005
317-03-010	NEW-P	93-06-088	317-20-240	NEW-P	93-02-055
317-03-020	NEW-P	93-06-088	317-20-240	NEW	93-07-005
317-03-030	NEW-P	93-06-088	317-20-240	NEW-P	93-02-055
317-05-010	NEW-P	93-02-053	317-20-240	NEW	93-07-005
317-05-010	NEW	93-07-004	317-20-240	NEW-P	93-02-055
317-05-020	NEW-P	93-02-053	317-20-240	NEW	93-07-005
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317-05-030	NEW-P	93-02-053	317-20-240	NEW	93-07-005
317-05-030	NEW	93-07-004	317-20-240	NEW-P	93-02-055
317-10-035	AMD-P	93-09-069	317-20-240	NEW	93-07-005
317-10-060	AMD-P	93-06-089	317-20-240	NEW-P	93-02-055
317-20	NEW-P	93-02-055	317-20-240	NEW	93-07-005
317-20	NEW	93-07-005	317-20-240	NEW-P	93-02-055
317-20-010	NEW-P	93-02-055	317-20-240	NEW	93-07-005
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317-20-020	NEW	93-07-005	317-20-240	NEW-P	93-02-055
317-20-025	NEW	93-07-005	317-20-240	NEW	93-07-005
317-20-030	NEW-P	93-02-055	317-20-240	NEW-P	93-02-055
317-20-030	NEW	93-07-005	317-20-240	NEW	93-07-005
317-20-040	NEW-P	93-02-055	317-20-240	NEW-P	93-02-055
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317-20-065	NEW-P	93-02-055	317-20-240	NEW-P	93-02-055
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317-20-066	NEW-P	93-02-055	317-20-240	NEW-P	93-02-055
317-20-066	NEW	93-07-005	317-20-240	NEW	93-07-005
317-20-070	NEW-P	93-02-055	317-20-240	NEW-P	93-02-055
317-20-070	NEW	93-07-005	317-20-240	NEW	93-07-005
			317-100-010	NEW-P	93-09-070
			317-100-020	NEW-P	93-09-070
			317-100-030	NEW-P	93-09-070
			317-100-040	NEW-P	93-09-070
			317-100-050	NEW-P	93-09-070
			317-100-060	NEW-P	93-09-070
			317-100-070	NEW-P	93-09-070
			317-100-080	NEW-P	93-09-070
			317-100-090	NEW-P	93-09-070
			326-40-010	AMD-E	93-05-037
			332-24-710	NEW	93-03-007
			332-24-720	NEW-P	93-03-064
			332-24-720	NEW	93-07-002
			332-24-730	NEW-P	93-04-107
			332-24-730	NEW-P	93-10-107
			332-24-730	NEW-W	93-10-108
			332-26-080	NEW-E	93-09-020
			332-26-080	AMD-E	93-10-058
			352-12-020	AMD	93-08-025
			352-12-020	AMD-E	93-10-060
			352-12-030	AMD	93-08-025
			352-12-030	AMD-E	93-10-060
			352-12-050	AMD	93-06-001
			352-32-010	AMD	93-06-001
			352-32-010	AMD	93-08-025
			352-32-030	AMD	93-06-001
			352-32-035	AMD	93-06-001
			352-32-120	AMD	93-06-001
			352-32-250	AMD	93-08-025
			352-32-250	AMD-E	93-10-060
			352-32-252	AMD	93-08-025
			352-32-252	AMD-E	93-10-060
			352-32-285	AMD	93-06-001
			356-05-157	NEW-P	93-04-097
			356-05-157	NEW-C	93-08-046
			356-05-157	NEW-W	93-10-026
			356-05-157	NEW-P	93-10-028
			356-05-160	REP-W	93-02-035
			356-10-030	AMD-P	93-04-097
			356-10-030	AMD-C	93-08-046
			356-10-030	AMD-W	93-10-026
			356-10-060	AMD-P	93-08-043
			356-14-075	AMD-P	93-08-044
			356-14-220	AMD-W	93-02-035
			356-14-260	AMD-P	93-08-072
			356-15-030	AMD-W	93-02-035
			356-15-030	AMD-P	93-08-072
			356-15-033	NEW-W	93-02-035
			356-15-050	AMD-W	93-02-035
			356-15-060	AMD-P	93-02-039
			356-15-060	AMD-C	93-06-080
			356-15-060	AMD-C	93-09-059
			356-15-080	AMD-W	93-02-035
			356-15-100	AMD-W	93-02-035
			356-18-060	AMD-P	93-08-072
			356-18-110	AMD-P	93-08-072
			356-18-145	NEW-P	93-08-072
			356-18-150	AMD-P	93-08-072
			356-18-230	REP-P	93-02-037
			356-18-230	REP	93-06-081
			356-22-005	NEW-P	93-10-028
			356-22-070	AMD	93-02-040
			356-22-070	AMD-P	93-08-047
			356-26-030	AMD-P	93-08-042
			356-26-040	AMD	93-02-040
			356-26-060	AMD-P	93-02-038
			356-26-060	AMD-C	93-06-077
			356-26-060	AMD	93-08-048
			356-30-130	AMD-P	93-08-042
			356-30-260	AMD-P	93-06-079
			356-30-260	AMD-C	93-09-058
			356-30-330	AMD-C	93-02-036
			356-30-330	AMD-C	93-04-099
			356-30-330	AMD-C	93-08-045
			356-30-330	AMD-W	93-09-060

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-30-331	NEW-E	93-09-003	388-15-217	AMD	93-04-036	388-34-165	REP-W	93-08-113
356-30-331	NEW-P	93-09-057	388-15-820	AMD-P	93-07-071	388-34-180	REP-P	93-06-040
356-34-020	AMD-W	93-02-035	388-15-820	AMD	93-10-023	388-34-180	REP-W	93-08-113
356-34-022	NEW-W	93-02-035	388-15-830	AMD-P	93-07-071	388-34-370	REP-P	93-06-040
356-34-090	AMD	93-02-040	388-15-830	AMD	93-10-023	388-34-370	REP-W	93-08-113
356-35-010	AMD-C	93-02-041	388-15-840	AMD-P	93-07-071	388-34-372	REP-P	93-06-040
356-35-010	AMD-C	93-04-098	388-15-840	AMD	93-10-023	388-34-372	REP-W	93-08-113
356-35-010	AMD-C	93-06-078	388-15-850	AMD-P	93-07-071	388-34-374	REP-P	93-06-040
356-35-010	AMD-W	93-07-054	388-15-850	AMD	93-10-023	388-34-374	REP-W	93-08-113
356-35-010	AMD-P	93-10-027	388-15-860	AMD-P	93-07-071	388-34-375	REP-P	93-06-040
365-135-020	AMD-P	93-09-061	388-15-860	AMD	93-10-023	388-34-375	REP-W	93-08-113
365-135-040	AMD-P	93-09-061	388-15-870	AMD-P	93-07-071	388-34-376	REP-P	93-06-040
365-135-050	AMD-P	93-09-061	388-15-870	AMD	93-10-023	388-34-376	REP-W	93-08-113
365-135-070	NEW-P	93-09-061	388-15-880	AMD-P	93-07-071	388-34-378	REP-P	93-06-040
365-140-030	AMD-P	93-08-087	388-15-880	AMD	93-10-023	388-34-378	REP-W	93-08-113
365-140-040	AMD-P	93-08-087	388-15-890	NEW-P	93-07-071	388-34-380	REP-P	93-06-040
365-140-050	AMD-P	93-08-087	388-15-890	NEW	93-10-023	388-34-380	REP-W	93-08-113
365-140-060	AMD-P	93-08-087	388-21-005	NEW	93-04-037	388-34-384	REP-P	93-06-040
365-300-010	NEW-E	93-07-063	388-24-074	AMD-P	93-03-055	388-34-384	REP-W	93-08-113
365-300-010	NEW-P	93-07-112	388-24-253	AMD-P	93-04-035	388-37-010	REP-P	93-08-074
365-300-020	NEW-E	93-07-063	388-24-253	AMD	93-07-034	388-37-020	REP-P	93-08-074
365-300-020	NEW-P	93-07-112	388-28-392	AMD	93-04-028	388-37-021	REP-P	93-08-074
365-300-030	NEW-E	93-07-063	388-28-425	AMD-P	93-03-056	388-37-025	REP-P	93-08-074
365-300-030	NEW-P	93-07-112	388-28-435	AMD-P	93-05-004	388-37-029	REP-P	93-08-074
365-300-040	NEW-E	93-07-063	388-28-435	AMD	93-07-126	388-37-030	REP-P	93-08-074
365-300-040	NEW-P	93-07-112	388-28-485	AMD-P	93-07-072	388-37-032	REP-P	93-08-074
365-300-050	NEW-E	93-07-063	388-28-485	AMD	93-10-022	388-37-035	REP-P	93-08-074
365-300-050	NEW-P	93-07-112	388-28-570	AMD-P	93-03-057	388-37-037	REP-P	93-08-074
365-300-060	NEW-E	93-07-063	388-28-575	AMD-P	93-04-027	388-37-038	REP-P	93-08-074
365-300-060	NEW-P	93-07-112	388-28-575	AMD	93-07-031	388-37-039	REP-P	93-08-074
365-300-070	NEW-E	93-07-063	388-28-590	AMD-P	93-04-026	388-37-040	REP-P	93-08-074
365-300-070	NEW-P	93-07-112	388-28-590	AMD	93-07-032	388-37-045	NEW-C	93-04-025
365-300-081	NEW-E	93-07-063	388-29-100	AMD	93-04-030	388-37-045	NEW	93-06-073
365-300-081	NEW-P	93-07-112	388-29-110	AMD	93-04-030	388-37-045	REP-P	93-08-074
365-300-090	NEW-E	93-07-063	388-29-112	AMD	93-04-030	388-37-050	AMD-C	93-04-025
365-300-090	NEW-P	93-07-112	388-29-130	AMD-P	93-09-017	388-37-050	AMD	93-06-073
374-60-020	AMD	93-04-041	388-29-160	AMD	93-04-030	388-37-050	REP-P	93-08-074
374-60-060	AMD	93-04-041	388-29-220	AMD	93-04-030	388-37-100	REP-P	93-08-074
374-60-070	AMD	93-04-041	388-29-280	AMD-P	93-09-017	388-37-110	REP-P	93-08-074
374-60-120	AMD	93-04-041	388-29-295	AMD	93-04-030	388-37-115	REP-P	93-08-074
388-11-010	AMD	93-05-020	388-34-010	REP-P	93-06-040	388-37-120	REP-P	93-08-074
388-11-011	AMD	93-05-020	388-34-010	REP-W	93-08-113	388-37-130	REP-P	93-08-074
388-11-045	AMD	93-05-020	388-34-015	REP-P	93-06-040	388-37-135	REP-P	93-08-074
388-11-120	AMD	93-05-020	388-34-015	REP-W	93-08-113	388-37-140	REP-P	93-08-074
388-11-150	AMD	93-05-020	388-34-020	REP-P	93-06-040	388-37-150	REP-P	93-08-074
388-11-210	AMD	93-05-020	388-34-020	REP-W	93-08-113	388-37-160	REP-P	93-08-074
388-14-030	AMD	93-05-020	388-34-025	REP-P	93-06-040	388-37-170	REP-P	93-08-074
388-14-205	AMD	93-05-020	388-34-025	REP-W	93-08-113	388-37-180	REP-P	93-08-074
388-14-385	AMD	93-05-020	388-34-035	REP-P	93-06-040	388-37-190	REP-P	93-08-074
388-14-420	AMD	93-05-020	388-34-035	REP-W	93-08-113	388-37-300	REP-P	93-08-074
388-14-427	NEW	93-05-020	388-34-040	REP-P	93-06-040	388-37-310	REP-P	93-08-074
388-14-435	AMD	93-05-020	388-34-040	REP-W	93-08-113	388-37-320	REP-P	93-08-074
388-15-132	AMD-P	93-10-093	388-34-045	REP-P	93-06-040	388-37-330	REP-P	93-08-074
388-15-136	REP-P	93-10-093	388-34-045	REP-W	93-08-113	388-37-340	REP-P	93-08-074
388-15-170	AMD-P	93-07-018	388-34-055	REP-P	93-06-040	388-37-350	REP-P	93-08-074
388-15-170	AMD-E	93-07-019	388-34-055	REP-W	93-08-113	388-37-360	REP-P	93-08-074
388-15-170	AMD	93-10-021	388-34-085	REP-P	93-06-040	388-37-370	REP-P	93-08-074
388-15-202	NEW-C	93-04-023	388-34-085	REP-W	93-08-113	388-37-380	REP-P	93-08-074
388-15-202	NEW	93-06-042	388-34-095	REP-P	93-06-040	388-42-020	AMD	93-05-021
388-15-203	NEW-C	93-04-023	388-34-095	REP-W	93-08-113	388-42-025	AMD	93-05-021
388-15-203	NEW	93-06-042	388-34-110	REP-P	93-06-040	388-42-150	AMD	93-05-021
388-15-204	NEW-C	93-04-023	388-34-110	REP-W	93-08-113	388-47-115	AMD-P	93-03-058
388-15-204	NEW	93-06-042	388-34-120	REP-P	93-06-040	388-49-020	AMD-P	93-08-038
388-15-205	NEW-C	93-04-023	388-34-120	REP-W	93-08-113	388-49-120	AMD-P	93-07-075
388-15-205	NEW	93-06-042	388-34-125	REP-P	93-06-040	388-49-120	AMD-C	93-10-019
388-15-207	AMD	93-04-036	388-34-125	REP-W	93-08-113	388-49-200	AMD-P	93-08-039
388-15-208	AMD	93-04-036	388-34-140	REP-P	93-06-040	388-49-220	AMD-P	93-08-040
388-15-209	AMD	93-04-036	388-34-140	REP-W	93-08-113	388-49-560	AMD	93-04-069
388-15-212	AMD	93-04-036	388-34-150	REP-P	93-06-040	388-49-700	AMD	93-04-034
388-15-213	AMD	93-04-036	388-34-150	REP-W	93-08-113	388-51-020	AMD-P	93-07-073
388-15-214	AMD	93-04-036	388-34-160	REP-P	93-06-040	388-51-040	AMD-P	93-07-073
388-15-215	AMD	93-04-036	388-34-160	REP-W	93-08-113	388-51-110	AMD-P	93-07-073
388-15-216	AMD	93-04-036	388-34-165	REP-P	93-06-040	388-51-115	AMD-P	93-07-073

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-51-120	AMD-P	93-07-073	388-83-033	AMD-E	93-03-061	388-160-070	NEW-P	93-05-031
388-51-123	AMD-P	93-07-073	388-83-033	AMD	93-06-037	388-160-080	NEW-P	93-05-031
388-51-125	REP-P	93-07-073	388-83-033	AMD-P	93-08-022	388-160-090	NEW-P	93-05-031
388-51-130	AMD-P	93-07-073	388-83-033	AMD-E	93-08-023	388-160-100	NEW-P	93-05-031
388-51-135	AMD-P	93-07-073	388-83-041	AMD-P	93-03-026	388-160-110	NEW-P	93-05-031
388-51-150	REP-P	93-07-073	388-83-041	AMD-E	93-03-028	388-160-120	NEW-P	93-05-031
388-51-155	NEW-P	93-07-073	388-83-041	AMD	93-06-038	388-160-130	NEW-P	93-05-031
388-51-160	NEW-P	93-07-073	388-83-046	NEW-P	93-07-122	388-160-140	NEW-P	93-05-031
388-51-170	NEW-P	93-07-073	388-83-130	AMD-P	93-03-060	388-160-150	NEW-P	93-05-031
388-51-180	NEW-P	93-07-073	388-83-130	AMD-E	93-03-061	388-160-160	NEW-P	93-05-031
388-51-200	REP-P	93-07-073	388-83-130	AMD	93-06-037	388-160-170	NEW-P	93-05-031
388-51-210	NEW-P	93-07-073	388-83-200	AMD-P	93-07-123	388-160-180	NEW-P	93-05-031
388-51-250	NEW-P	93-07-073	388-83-210	AMD-P	93-07-123	388-160-190	NEW-P	93-05-031
388-51-260	NEW-P	93-07-073	388-83-220	AMD-P	93-07-123	388-160-200	NEW-P	93-05-031
388-51-300	REP-P	93-07-073	388-84-105	AMD-P	93-03-060	388-160-210	NEW-P	93-05-031
388-60-005	NEW-P	93-06-082	388-84-105	AMD-E	93-03-061	388-160-220	NEW-P	93-05-031
388-60-005	NEW	93-10-024	388-84-105	AMD	93-06-037	388-160-230	NEW-P	93-05-031
388-60-120	NEW-P	93-06-082	388-86-008	REP-P	93-07-124	388-160-240	NEW-P	93-05-031
388-60-120	NEW	93-10-024	388-86-012	AMD-P	93-03-034	388-160-250	NEW-P	93-05-031
388-60-130	NEW-P	93-06-082	388-86-012	AMD	93-06-039	388-160-260	NEW-P	93-05-031
388-60-130	NEW	93-10-024	388-86-021	AMD-P	93-08-006	388-160-270	NEW-P	93-05-031
388-60-140	NEW-P	93-06-082	388-86-100	AMD-C	93-02-034	388-160-280	NEW-P	93-05-031
388-60-140	NEW	93-10-024	388-86-100	AMD-W	93-05-019	388-160-290	NEW-P	93-05-031
388-60-150	NEW-P	93-06-082	388-86-200	NEW-P	93-07-074	388-160-300	NEW-P	93-05-031
388-60-150	NEW	93-10-024	388-86-200	NEW-C	93-10-017	388-160-310	NEW-P	93-05-031
388-60-160	NEW-P	93-06-082	388-87-005	AMD-P	93-08-021	388-160-320	NEW-P	93-05-031
388-60-160	NEW	93-10-024	388-87-005	AMD-E	93-08-024	388-160-340	NEW-P	93-05-031
388-60-170	NEW-P	93-06-082	388-92-025	AMD-P	93-07-122	388-160-350	NEW-P	93-05-031
388-60-170	NEW	93-10-024	388-92-027	NEW-P	93-07-122	388-160-360	NEW-P	93-05-031
388-60-180	NEW-P	93-06-082	388-92-036	AMD-E	93-06-053	388-160-370	NEW-P	93-05-031
388-60-180	NEW	93-10-024	388-92-036	AMD-P	93-06-054	388-160-380	NEW-P	93-05-031
388-62-020	REP-P	93-08-075	388-92-036	AMD	93-08-112	388-160-390	NEW-P	93-05-031
388-62-025	REP-P	93-08-075	388-92-045	AMD-P	93-03-026	388-160-400	NEW-P	93-05-031
388-62-035	REP-P	93-08-075	388-92-045	AMD-E	93-03-028	388-160-410	NEW-P	93-05-031
388-62-070	REP-P	93-08-075	388-92-045	AMD	93-06-038	388-160-420	NEW-P	93-05-031
388-62-075	REP-P	93-08-075	388-95-310	NEW-P	93-06-040	388-160-430	NEW-P	93-05-031
388-62-080	REP-P	93-08-075	388-95-310	NEW-W	93-08-113	388-160-440	NEW-P	93-05-031
388-62-095	REP-P	93-08-075	388-95-337	AMD-E	93-04-031	388-160-450	NEW-P	93-05-031
388-62-135	REP-P	93-08-075	388-95-337	AMD-P	93-04-032	388-160-460	NEW-P	93-05-031
388-62-190	REP-P	93-08-075	388-95-337	AMD	93-07-029	388-160-470	NEW-P	93-05-031
388-62-200	REP-P	93-08-075	388-95-340	AMD-P	93-03-027	388-160-480	NEW-P	93-05-031
388-70-520	AMD-E	93-03-081	388-95-340	AMD-E	93-03-029	388-160-490	NEW-P	93-05-031
388-70-520	AMD-P	93-03-082	388-95-340	AMD	93-06-041	388-160-500	NEW-P	93-05-031
388-70-520	AMD	93-07-030	388-95-360	AMD-P	93-03-027	388-160-510	NEW-P	93-05-031
388-74-010	NEW-P	93-09-018	388-95-360	AMD-E	93-03-029	388-160-520	NEW-P	93-05-031
388-74-030	NEW-P	93-09-018	388-95-360	AMD	93-06-041	388-160-530	NEW-P	93-05-031
388-77A-010	NEW-P	93-03-059	388-95-360	AMD-P	93-08-022	388-160-540	NEW-P	93-05-031
388-77A-020	NEW-P	93-03-059	388-95-360	AMD-E	93-08-023	388-160-560	NEW-P	93-05-031
388-77A-030	NEW-P	93-03-059	388-96-026	AMD-P	93-08-065	388-230-0010	NEW-P	93-08-064
388-77A-040	NEW-P	93-03-059	388-96-113	AMD-P	93-08-065	388-230-0030	NEW-P	93-08-064
388-77A-050	NEW-P	93-03-059	388-96-572	AMD-P	93-08-065	388-230-0040	NEW-P	93-08-064
388-81-060	AMD	93-04-024	388-96-585	AMD-P	93-08-065	388-230-0050	NEW-P	93-08-064
388-81-100	NEW-P	93-07-124	388-96-709	NEW-P	93-08-065	388-230-0060	NEW-P	93-08-064
388-82-010	AMD	93-04-033	388-96-710	AMD-P	93-08-065	388-230-0080	NEW-P	93-08-064
388-82-115	AMD-P	93-03-060	388-96-754	AMD-P	93-08-065	388-230-0090	NEW-P	93-08-064
388-82-115	AMD-E	93-03-061	388-96-774	AMD-P	93-08-065	388-230-0110	NEW-P	93-08-064
388-82-115	AMD	93-06-037	388-99-010	AMD-P	93-03-060	388-230-0120	NEW-P	93-08-064
388-82-140	AMD-P	93-08-022	388-99-010	AMD-E	93-03-061	388-230-0140	NEW-P	93-08-064
388-82-140	AMD-E	93-08-023	388-99-010	AMD	93-06-037	388-235-0010	NEW-P	93-08-074
388-82-150	NEW	93-04-024	388-99-020	AMD-E	93-04-087	388-235-0020	NEW-P	93-08-074
388-82-150	AMD-P	93-08-022	388-99-020	AMD-P	93-04-090	388-235-0030	NEW-P	93-08-074
388-82-150	AMD-E	93-08-023	388-99-020	AMD	93-07-028	388-235-0040	NEW-P	93-08-074
388-82-160	AMD-P	93-08-022	388-99-055	AMD-E	93-04-088	388-235-0050	NEW-P	93-08-074
388-82-160	AMD-E	93-08-023	388-99-055	AMD-P	93-04-089	388-235-0060	NEW-P	93-08-074
388-83-015	AMD-P	93-06-009	388-99-055	AMD	93-07-125	388-235-0070	NEW-P	93-08-074
388-83-015	AMD-E	93-06-010	388-160	NEW-C	93-08-009	388-235-0080	NEW-P	93-08-074
388-83-015	AMD	93-08-111	388-160	NEW-C	93-10-020	388-235-0090	NEW-P	93-08-074
388-83-026	AMD-P	93-03-026	388-160-010	NEW-P	93-05-031	388-235-0100	NEW-P	93-08-074
388-83-026	AMD-E	93-03-028	388-160-020	NEW-P	93-05-031	388-235-0110	NEW-P	93-08-074
388-83-026	AMD	93-06-038	388-160-030	NEW-P	93-05-031	388-235-1500	NEW-P	93-08-074
388-83-032	AMD-P	93-08-022	388-160-040	NEW-P	93-05-031	388-235-2000	NEW-P	93-08-074
388-83-032	AMD-E	93-08-023	388-160-050	NEW-P	93-05-031	388-235-3000	NEW-P	93-08-074
388-83-033	AMD-P	93-03-060	388-160-060	NEW-P	93-05-031	388-235-4000	NEW-P	93-08-074

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-235-5000	NEW-P	93-08-074	390-16-308	AMD	93-04-072	392-315-075	REP-E	93-08-037
388-235-5040	NEW-P	93-08-074	390-18-050	NEW	93-04-072	392-315-080	REP-E	93-08-037
388-235-5050	NEW-P	93-08-074	390-20-020	AMD	93-04-072	392-315-085	REP-E	93-08-037
388-235-5070	NEW-P	93-08-074	390-20-110	AMD	93-04-072	392-315-090	REP-E	93-08-037
388-235-5080	NEW-P	93-08-074	390-37-140	AMD-P	93-09-001	392-315-095	REP-E	93-08-037
388-235-5090	NEW-P	93-08-074	390-37-140	AMD-C	93-10-050	392-315-100	REP-E	93-08-037
388-235-5100	NEW-P	93-08-074	390-37-142	AMD-P	93-09-001	392-315-105	REP-E	93-08-037
388-235-5200	NEW-P	93-08-074	390-37-142	AMD-C	93-10-050	392-315-110	REP-E	93-08-037
388-235-5300	NEW-P	93-08-074	392-105-030	AMD-P	93-03-002	392-315-115	REP-E	93-08-037
388-235-5400	NEW-P	93-08-074	392-105-030	AMD	93-07-039	392-315-120	REP-E	93-08-037
388-235-5500	NEW-P	93-08-074	392-105-035	AMD-P	93-03-002	392-315-125	REP-E	93-08-037
388-235-5600	NEW-P	93-08-074	392-105-035	AMD	93-07-039	392-315-130	REP-E	93-08-037
388-235-5700	NEW-P	93-08-074	392-105-040	AMD-P	93-03-002	392-315-135	REP-E	93-08-037
388-235-5800	NEW-P	93-08-074	392-105-040	AMD	93-07-039	392-315-140	REP-E	93-08-037
388-235-5900	NEW-P	93-08-074	392-105-060	AMD-P	93-03-002	392-315-145	REP-E	93-08-037
388-235-6000	NEW-P	93-08-074	392-105-060	AMD	93-07-039	392-315-150	REP-E	93-08-037
388-235-7000	NEW-P	93-08-074	392-121-445	AMD	93-04-054	392-315-155	REP-E	93-08-037
388-235-7100	NEW-P	93-08-074	392-122-400	NEW-P	93-07-046	392-315-160	REP-E	93-08-037
388-235-7200	NEW-P	93-08-074	392-122-401	NEW-P	93-07-046	392-315-165	REP-E	93-08-037
388-235-7300	NEW-P	93-08-074	392-122-405	NEW-P	93-07-046	415-04-010	AMD-P	93-08-054
388-235-7500	NEW-P	93-08-074	392-122-410	NEW-P	93-07-046	415-04-020	AMD-P	93-08-054
388-235-7600	NEW-P	93-08-074	392-122-415	NEW-P	93-07-046	415-08-010	AMD-P	93-08-054
388-235-8000	NEW-P	93-08-074	392-140-250	REP-P	93-07-047	415-08-020	AMD-P	93-08-054
388-235-8100	NEW-P	93-08-074	392-140-252	REP-P	93-07-047	415-08-025	NEW-P	93-08-054
388-235-8130	NEW-P	93-08-074	392-140-253	REP-P	93-07-047	415-08-030	AMD-P	93-08-054
388-235-8140	NEW-P	93-08-074	392-140-254	REP-P	93-07-047	415-08-040	AMD-P	93-08-054
388-235-8150	NEW-P	93-08-074	392-140-255	REP-P	93-07-047	415-08-060	REP-P	93-08-054
388-235-8200	NEW-P	93-08-074	392-140-256	REP-P	93-07-047	415-08-080	AMD-P	93-08-054
388-235-9000	NEW-P	93-08-074	392-140-257	REP-P	93-07-047	415-08-090	AMD-P	93-08-054
388-235-9100	NEW-P	93-08-074	392-140-258	REP-P	93-07-047	415-08-100	AMD-P	93-08-054
388-235-9200	NEW-P	93-08-074	392-140-259	REP-P	93-07-047	415-08-105	NEW-P	93-08-054
388-235-9300	NEW-P	93-08-074	392-140-265	REP-P	93-07-047	415-08-110	REP-P	93-08-054
388-235-9500	NEW-P	93-08-074	392-140-266	REP-P	93-07-047	415-08-120	REP-P	93-08-054
388-235-9520	NEW-P	93-08-074	392-140-267	REP-P	93-07-047	415-08-130	REP-P	93-08-054
388-235-9530	NEW-P	93-08-074	392-142-240	AMD-P	93-09-019	415-08-140	REP-P	93-08-054
388-235-9540	NEW-P	93-08-074	392-145-030	AMD	93-05-023	415-08-150	REP-P	93-08-054
388-235-9550	NEW-P	93-08-074	392-167A-005	NEW-P	93-07-048	415-08-160	REP-P	93-08-054
388-235-9560	NEW-P	93-08-074	392-167A-010	NEW-P	93-07-048	415-08-170	REP-P	93-08-054
388-235-9570	NEW-P	93-08-074	392-167A-015	NEW-P	93-07-048	415-08-180	REP-P	93-08-054
388-235-9580	NEW-P	93-08-074	392-167A-020	NEW-P	93-07-048	415-08-190	REP-P	93-08-054
388-235-9600	NEW-P	93-08-074	392-167A-025	NEW-P	93-07-048	415-08-200	REP-P	93-08-054
388-280-1010	NEW-P	93-08-075	392-167A-030	NEW-P	93-07-048	415-08-210	REP-P	93-08-054
388-280-1020	NEW-P	93-08-075	392-167A-035	NEW-P	93-07-048	415-08-220	REP-P	93-08-054
388-280-1030	NEW-P	93-08-075	392-167A-040	NEW-P	93-07-048	415-08-230	REP-P	93-08-054
388-280-1040	NEW-P	93-08-075	392-167A-045	NEW-P	93-07-048	415-08-240	REP-P	93-08-054
388-280-1050	NEW-P	93-08-075	392-167A-050	NEW-P	93-07-048	415-08-250	REP-P	93-08-054
388-280-1060	NEW-P	93-08-075	392-167A-055	NEW-P	93-07-048	415-08-260	REP-P	93-08-054
388-280-1070	NEW-P	93-08-075	392-167A-060	NEW-P	93-07-048	415-08-270	REP-P	93-08-054
388-280-1080	NEW-P	93-08-075	392-167A-065	NEW-P	93-07-048	415-08-280	AMD-P	93-08-054
388-280-1090	NEW-P	93-08-075	392-167A-070	NEW-P	93-07-048	415-08-290	REP-P	93-08-054
388-280-1100	NEW-P	93-08-075	392-167A-075	NEW-P	93-07-048	415-08-300	REP-P	93-08-054
388-280-1110	NEW-P	93-08-075	392-167A-080	NEW-P	93-07-048	415-08-310	REP-P	93-08-054
388-280-1120	NEW-P	93-08-075	392-167A-085	NEW-P	93-07-048	415-08-320	REP-P	93-08-054
388-280-1130	NEW-P	93-08-075	392-167A-090	NEW-P	93-07-048	415-08-330	REP-P	93-08-054
388-280-1140	NEW-P	93-08-075	392-196-005	AMD	93-07-037	415-08-340	REP-P	93-08-054
388-280-1150	NEW-P	93-08-075	392-196-030	AMD	93-07-037	415-08-350	REP-P	93-08-054
388-280-1160	NEW-P	93-08-075	392-196-080	AMD	93-07-037	415-08-360	REP-P	93-08-054
388-330-010	AMD-P	93-07-035	392-196-095	AMD	93-07-037	415-08-370	REP-P	93-08-054
388-330-010	AMD-C	93-10-018	392-202-110	AMD	93-08-005	415-08-380	REP-P	93-08-054
388-330-020	AMD-P	93-07-035	392-315-005	REP-E	93-08-037	415-08-390	REP-P	93-08-054
388-330-020	AMD-C	93-10-018	392-315-010	REP-E	93-08-037	415-08-400	REP-P	93-08-054
388-330-030	AMD-P	93-07-035	392-315-015	REP-E	93-08-037	415-08-410	REP-P	93-08-054
388-330-030	AMD-C	93-10-018	392-315-020	REP-E	93-08-037	415-08-420	AMD-P	93-08-054
388-330-050	AMD-P	93-07-035	392-315-025	REP-E	93-08-037	415-08-430	REP-P	93-08-054
388-330-050	AMD-C	93-10-018	392-315-030	REP-E	93-08-037	415-08-440	REP-P	93-08-054
390-16-011	AMD-P	93-10-049	392-315-035	REP-E	93-08-037	415-08-450	REP-P	93-08-054
390-16-011	AMD-E	93-10-051	392-315-040	REP-E	93-08-037	415-08-460	REP-P	93-08-054
390-16-012	AMD-P	93-10-049	392-315-045	REP-E	93-08-037	415-08-470	REP-P	93-08-054
390-16-012	AMD-E	93-10-051	392-315-050	REP-E	93-08-037	415-08-480	REP-P	93-08-054
390-16-031	AMD-P	93-04-127	392-315-055	REP-E	93-08-037	415-104-011	NEW-P	93-08-053
390-16-031	AMD	93-09-002	392-315-060	REP-E	93-08-037	415-104-782	NEW-P	93-08-053
390-16-041	AMD-P	93-04-127	392-315-065	REP-E	93-08-037	415-104-783	NEW-P	93-08-053
390-16-041	AMD	93-09-002	392-315-070	REP-E	93-08-037	415-104-784	NEW-P	93-08-053

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
415-104-785	NEW-P	93-08-053	458-20-17901	AMD	93-07-066	480-120-086	REP	93-06-055
415-108-010	AMD-P	93-08-052	458-20-229	AMD	93-04-077	480-120-350	NEW-P	93-05-013
415-108-100	REP-P	93-08-052	458-20-230	AMD	93-03-004	480-120-500	NEW	93-06-055
415-108-110	REP-P	93-08-052	458-30-262	AMD-P	93-04-020	480-120-505	NEW	93-06-055
415-108-120	REP-P	93-08-052	458-30-262	AMD-E	93-04-021	480-120-510	NEW	93-06-055
415-108-130	REP-P	93-08-052	458-30-262	AMD	93-07-067	480-120-515	NEW	93-06-055
415-108-150	REP-P	93-08-052	458-40-634	PREP	93-07-068	480-120-520	NEW	93-06-055
415-108-160	REP-P	93-08-052	458-40-660	AMD-P	93-10-091	480-120-525	NEW	93-06-055
415-108-620	NEW-P	93-08-052	458-40-670	AMD-P	93-10-091	480-120-530	NEW	93-06-055
415-108-630	NEW-P	93-08-052	458-40-690	PREP	93-09-029	480-120-535	NEW	93-06-055
415-108-640	NEW-P	93-08-052	463-30-055	NEW-P	93-07-094	490-04B-010	NEW-P	93-02-045
415-108-650	NEW-P	93-08-052	468-16-030	AMD	93-03-020	490-04B-010	NEW	93-06-005
415-108-660	NEW-P	93-08-052	468-16-040	AMD	93-03-020	490-08B-010	NEW-P	93-02-045
415-112-015	NEW-P	93-08-051	468-16-050	AMD	93-03-020	490-08B-010	NEW	93-06-005
415-112-535	REP-P	93-08-051	468-16-060	AMD	93-03-020	490-08B-020	NEW-P	93-02-045
415-112-722	REP-P	93-08-051	468-16-070	AMD	93-03-020	490-08B-020	NEW	93-06-005
415-112-810	AMD-P	93-08-051	468-16-090	AMD	93-03-020	490-08B-030	NEW-P	93-02-045
415-112-820	AMD-P	93-08-051	468-16-100	AMD	93-03-020	490-08B-030	NEW	93-06-005
415-112-830	NEW-P	93-08-051	468-16-120	AMD	93-03-020	490-08B-040	NEW-P	93-02-045
434-600-010	NEW	93-04-001	468-16-130	AMD	93-03-020	490-08B-040	NEW	93-06-005
434-610-010	NEW	93-04-001	468-16-140	AMD	93-03-020	490-08B-050	NEW-P	93-02-045
434-610-020	NEW	93-04-001	468-16-150	AMD	93-03-020	490-08B-050	NEW	93-06-005
434-610-025	NEW	93-04-001	468-16-160	AMD	93-03-020	490-08B-060	NEW-P	93-02-045
434-610-030	NEW	93-04-001	468-16-170	AMD	93-03-020	490-08B-060	NEW	93-06-005
434-610-040	NEW	93-04-001	468-16-180	AMD	93-03-020	490-08B-070	NEW-P	93-02-045
434-610-050	NEW	93-04-001	468-16-190	AMD	93-03-020	490-08B-070	NEW	93-06-005
434-610-060	NEW	93-04-001	468-16-200	AMD	93-03-020	490-08B-080	NEW-P	93-02-045
434-610-070	NEW	93-04-001	468-38-360	AMD	93-04-071	490-08B-080	NEW	93-06-005
434-610-080	NEW	93-04-001	468-52-010	NEW	93-03-033	490-10-010	NEW-P	93-02-045
434-610-090	NEW	93-04-001	468-52-020	NEW	93-03-033	490-10-010	NEW	93-06-005
434-610-100	NEW	93-04-001	468-52-030	NEW	93-03-033	490-13-010	NEW-P	93-02-045
434-610-110	NEW	93-04-001	468-52-040	NEW	93-03-033	490-13-010	NEW	93-06-005
434-610-120	NEW	93-04-001	468-52-050	NEW	93-03-033	490-100-250	AMD-P	93-02-044
434-615-010	NEW	93-04-001	468-52-060	NEW	93-03-033	490-100-250	AMD	93-06-006
434-615-020	NEW	93-04-001	468-52-070	NEW	93-03-033	490-276-010	NEW-P	93-02-045
434-615-030	NEW	93-04-001	468-95-035	NEW-C	93-07-055	490-276-010	NEW	93-06-005
434-620-010	NEW	93-04-001	468-95-035	NEW-C	93-10-068	490-276-020	NEW-P	93-02-045
434-624-010	NEW	93-04-001	468-95-037	NEW-C	93-07-055	490-276-020	NEW	93-06-005
434-624-020	NEW	93-04-001	468-95-037	NEW-C	93-10-068	490-276-030	NEW-P	93-02-045
434-624-030	NEW	93-04-001	468-300-700	AMD-P	93-08-012	490-276-030	NEW	93-06-005
434-624-040	NEW	93-04-001	468-300-700	AMD-W	93-09-048	490-276-040	NEW-P	93-02-045
434-624-050	NEW	93-04-001	478-116-370	AMD-P	93-08-110	490-276-040	NEW	93-06-005
434-626-010	NEW	93-04-001	478-116-400	AMD-P	93-08-110	490-276-050	NEW-P	93-02-045
434-626-020	NEW	93-04-001	478-116-410	REP-P	93-08-110	490-276-050	NEW	93-06-005
446-40-070	AMD-P	93-10-001	478-116-420	REP-P	93-08-110	490-276-060	NEW-P	93-02-045
458-12-010	AMD-P	93-05-016	478-116-430	REP-P	93-08-110	490-276-060	NEW	93-06-005
458-12-010	AMD	93-08-049	478-116-440	AMD-P	93-08-110	490-276-070	NEW-P	93-02-045
458-12-240	REP-P	93-05-016	478-116-450	AMD-P	93-08-110	490-276-070	NEW	93-06-005
458-12-240	REP	93-08-049	478-116-460	AMD-P	93-08-110	490-276-080	NEW-P	93-02-045
458-12-342	AMD-P	93-05-016	478-116-470	REP-P	93-08-110	490-276-080	NEW	93-06-005
458-12-342	AMD	93-08-049	478-116-480	REP-P	93-08-110	490-276-090	NEW-P	93-02-045
458-14-015	AMD-P	93-05-015	478-116-490	REP-P	93-08-110	490-276-090	NEW	93-06-005
458-14-015	AMD	93-08-050	478-116-500	REP-P	93-08-110	490-276-100	NEW-P	93-02-045
458-14-025	AMD-P	93-05-015	478-116-510	REP-P	93-08-110	490-276-100	NEW	93-06-005
458-14-025	AMD	93-08-050	478-116-511	REP-P	93-08-110	490-276-110	NEW-P	93-02-045
458-14-026	NEW-P	93-05-015	478-116-520	AMD-P	93-08-110	490-276-110	NEW	93-06-005
458-14-026	NEW	93-08-050	478-116-530	REP-P	93-08-110	490-276-120	NEW-P	93-02-045
458-14-127	AMD-P	93-05-015	478-116-540	AMD-P	93-08-110	490-276-120	NEW	93-06-005
458-14-127	AMD	93-08-050	478-116-550	AMD-P	93-08-110	490-276-130	NEW-P	93-02-045
458-14-170	AMD-P	93-05-015	478-116-560	REP-P	93-08-110	490-276-130	NEW	93-06-005
458-14-170	AMD	93-08-050	478-116-582	AMD-P	93-08-110	490-276-140	NEW-P	93-02-045
458-14-171	NEW-P	93-05-015	478-116-586	AMD-P	93-08-110	490-276-140	NEW	93-06-005
458-14-171	NEW	93-08-050	478-116-588	AMD-P	93-08-110	495B-104-010	NEW	93-05-018
458-18-220	AMD-P	93-03-024	478-116-589	NEW-P	93-08-110	495B-104-020	NEW	93-05-018
458-18-220	AMD-E	93-03-025	478-116-601	AMD-P	93-08-110	495B-104-030	NEW	93-05-018
458-18-220	AMD	93-06-096	480-12-181	AMD	93-05-038	495B-108-010	NEW	93-05-018
458-20-101	PREP	93-02-046	480-80-390	AMD	93-09-050	495B-108-020	NEW	93-05-018
458-20-101	AMD-P	93-08-013	480-110-023	NEW-P	93-06-056	495B-108-030	NEW	93-05-018
458-20-119	AMD-P	93-07-069	480-110-176	AMD-P	93-06-056	495B-108-040	NEW	93-05-018
458-20-124	AMD-P	93-07-070	480-120-021	AMD	93-06-055	495B-108-050	NEW	93-05-018
458-20-149	REP	93-03-005	480-120-031	AMD-P	93-02-068	495B-108-060	NEW	93-05-018
458-20-174	PREP	93-02-047	480-120-031	AMD	93-07-089	495B-108-070	NEW	93-05-018
458-20-17901	AMD-P	93-04-045	480-120-051	AMD	93-06-055	495B-108-080	NEW	93-05-018

TABLE





**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
495E-400-010	NEW-P	93-09-045			
495E-400-020	NEW-P	93-09-045			
495E-400-030	NEW-P	93-09-045			
495E-400-040	NEW-P	93-09-045			
495E-400-050	NEW-P	93-09-045			
495E-400-060	NEW-P	93-09-045			

TABLE

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### ACCOUNTANCY, BOARD OF

Address changes	PROP	93-08-096
Adjudicative proceedings	PROP	93-08-095
Board inquiries, duty to response	PROP	93-08-097
Confidential information	PROP	93-08-092
CPA certificates		
applications	PROP	93-08-102
education requirements	PROP	93-08-098
examinations	PROP	93-08-089
	PROP	93-08-099
	PROP	93-08-100
experience requirements	PROP	93-08-101
reinstatement	PROP	93-08-104
temporary permits	PROP	93-08-103
Fees	PROP	93-08-094
Liability insurance		
for corporations	PROP	93-08-088
Licensing requirements	PROP	93-08-089
	PROP	93-08-098
	PROP	93-08-101
	PROP	93-08-102
	PROP	93-08-103
	PROP	93-08-104
Meetings	PROP	93-08-091
Officers	PROP	93-08-091
Practice and procedure	PROP	93-08-089
Preamble	PROP	93-08-090
Public records, availability	PROP	93-08-089
	PROP	93-08-093

### ADMINISTRATIVE HEARINGS, OFFICE OF

Adjudicative proceedings		
interpreters	PROP	93-07-096
	PERM	<b>93-10-097</b>
Organization and operation	PROP	93-07-097
	PERM	<b>93-10-098</b>

### AGRICULTURE, DEPARTMENT OF

Adjudicative proceedings		
presiding officers	PROP	93-07-021
	EMER	93-07-022
	PERM	<b>93-10-059</b>
Apples		
apple maggot survey and detection		
program		
funding	EMER	93-04-078
	PROP	93-04-103
	PERM	93-07-105
assessments on shipments	EMER	93-04-078
	PROP	93-04-103
Asparagus		
container and packaging standards	PROP	93-01-131
	PROP	93-05-022
Asparagus commission		
meetings	MISC	93-01-117
Barley commission		
meetings	MISC	93-06-034
Beef commission		
meetings	MISC	93-03-052
County and area fairs		
special assistance grant limits	PERM	93-02-028
Fairs		
county and area fairs		
special assistance grant limits	PERM	93-02-028
Farmed salmon commission		
meetings	MISC	93-08-056
Fruits and vegetables		
origin labeling of product	PROP	93-08-060
Fryer commission		
meetings	MISC	93-04-085
Hop commission		
baled hops labeling	PROP	93-06-083
	PERM	93-09-014
meetings	MISC	93-01-128

Noxious weed control board		
meetings	MISC	93-01-094
noxious weed list and schedule		
of penalties	PERM	93-01-004
practice and procedure	PERM	93-01-004
Noxious weed seed		
prohibited noxious weed seeds	PERM	93-01-069
restricted noxious weed seeds	PERM	93-01-069
Pesticides		
penalty assignment schedule	PROP	93-04-114
	PROP	93-06-007
	PROP	93-06-075
	PERM	<b>93-10-047</b>
violations, rights of persons aggrieved		
by	PROP	93-04-113
	PROP	93-06-008
	PROP	93-06-076
	PERM	<b>93-10-046</b>
Plant services		
holly, cut spray standards	PROP	93-07-053
nursery stock standards	PROP	93-07-053
Rapeseed		
production districts	PROP	93-07-085
Red raspberry commission		
meetings	MISC	93-01-052
Strawberry commission		
affected producer, definition	PROP	93-04-094
	PERM	<b>93-10-063</b>
chemical regulation	PROP	93-04-094
	PERM	<b>93-10-063</b>
meetings	MISC	93-02-061
Weeds		
noxious weed seeds, prohibited	PERM	93-01-069
noxious weed seeds, restricted	PERM	93-01-069
Weights and measures		
city sealers		
report forms	PROP	93-02-016
	PERM	93-03-079
inspection fees	PROP	93-02-016
	PERM	93-03-079
railroad scale testing requirements	PROP	93-02-016
	PERM	93-03-079
Wheat commission		
meetings	MISC	93-01-043
Wine commission		
meetings	MISC	93-03-074
<b>ASIAN AMERICAN AFFAIRS, COMMISSION ON</b>		
Meetings	MISC	<b>93-10-009</b>
<b>ATTORNEY GENERAL'S OFFICE</b>		
Lemon Law		
arbitration requests	EMER	93-07-017
Opinions		
campaign contributions, reporting		
requirements (1993, No. 3)	MISC	<b>93-10-034</b>
fisheries department authority		
regarding fish possession		
and size limits (1993, No.2)	MISC	<b>93-10-033</b>
hazardous waste plans, fees for		
implementation (1993, No 6)	MISC	<b>93-10-037</b>
library fees for services		
(1992, No. 31)	MISC	93-02-058
municipal firemen's pension board		
membership (1993, No. 4)	MISC	<b>93-10-035</b>
natural resources department, earned interest		
credits (1992, No. 29)	MISC	93-01-062
pesticide use, state preemption		
of local authority to regulate		
(1993, No. 5)	MISC	<b>93-10-036</b>
<b>BEEF COMMISSION</b>		
(See AGRICULTURE, DEPARTMENT OF)		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>CONVENTION AND TRADE CENTER</b>			Dangerous waste		
Meetings	MISC	93-01-145	chlorofluorocarbon refrigerants	EMER	93-02-049
	MISC	93-03-053		PERM	93-02-050
	MISC	93-06-004	Flood control		
	MISC	93-07-025	grant funding priorities	MISC	93-09-066
	MISC	93-07-056	Forest practices		
	MISC	93-09-011	aquatic habitat protection	PERM	93-01-091
	MISC	93-09-046	water quality protection	PERM	93-01-091
				PROP	93-05-042
				EMER	93-07-090
<b>CORRECTIONS, DEPARTMENT OF</b>			Mixed waste		
Rules coordinator	MISC	93-08-014	management fees	PERM	93-09-065
<b>COUNTY ROAD ADMINISTRATION BOARD</b>			Motor vehicles		
Pavement management systems	PROP	93-07-045	emission inspection	PROP	93-03-092
Rules coordinator	MISC	93-02-059		<b>PERM</b>	<b>93-10-062</b>
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			Oil spills		
Basic law enforcement academy			gasoline vapor control, compliance		
curriculum	PROP	93-08-055	schedules	PERM	93-03-089
readmission	PROP	93-03-084		PROP	93-04-108
	PROP	93-08-030	oil transfer and handling facilities,		
requirements	PROP	93-05-039	personnel training and certifi-		
training requirements	PROP	93-07-118	ation	PERM	93-01-089
Corrections academies			Oil transfer and handling facilities		
readmission	PROP	93-03-085	personnel training and certification	PERM	93-01-089
	PERM	93-07-119		MISC	93-01-087
requirements	PROP	93-05-040	Rules coordinator		
	PROP	93-07-120	Service stations		
Fire marshals			gasoline vapor control, compliance		
training requirements	<b>PROP</b>	<b>93-10-029</b>	schedules	PERM	93-03-089
	<b>PROP</b>	<b>93-10-030</b>		PROP	93-04-108
<b>DEAF, WASHINGTON SCHOOL FOR THE</b>			Shoreline master programs		
Rules coordinator	MISC	93-01-129	Clark County	PERM	93-01-108
			Dupont, city of	PROP	93-04-064
<b>EASTERN WASHINGTON UNIVERSITY</b>				PERM	93-08-026
Discrimination	PERM	93-01-073	Edmonds, city of	PROP	93-03-091
			Jefferson County	<b>PROP</b>	<b>93-10-100</b>
<b>ECOLOGY, DEPARTMENT OF</b>			Montesano, city of	PROP	93-09-062
Agricultural activities			Mountlake Terrace, city of	PROP	93-06-051
burning permit	PROP	93-03-090	Olympia, city of	PROP	93-06-050
	EMER	93-04-002	Pierce County	PERM	93-02-048
	EMER	93-09-063	Port Townsend, city of	PROP	93-01-088
grass seed production permit	EMER	93-04-002		PERM	93-07-116
Air quality			San Juan County	PERM	93-01-138
agricultural burning, permit	PROP	93-03-090	Seattle, city of	PERM	93-04-106
	EMER	93-04-002		PROP	93-05-043
	EMER	93-09-063	Stevens County	PROP	93-04-065
air pollution sources, regulation	PROP	93-03-065		PROP	93-07-091
	PERM	93-05-044	Tacoma, city of	PERM	93-01-110
	PROP	93-05-048	Vancouver, city of	PERM	93-01-109
	PROP	93-07-042	Whatcom County	PROP	93-02-011
	PROP	93-07-062		PERM	93-04-063
gasoline vapor control,			Solid fuel burning devices		
compliance schedules	PERM	93-03-089	emission performance standards	PERM	93-04-105
	PROP	93-04-108	fees	EMER	93-01-137
motor vehicle emission inspection	PROP	93-03-092		PERM	93-04-105
	<b>PERM</b>	<b>93-10-062</b>	Transportation activities, conformity to		
operating permits	PROP	93-07-062	air quality implementation plans	PERM	93-04-006
solid fuel burning devices			Waste		
emission performance standards	PERM	93-04-105	discharge general permit program	PROP	93-03-066
fees	EMER	93-01-137		EMER	93-03-067
	PERM	93-04-105		<b>PERM</b>	<b>93-10-099</b>
transportation activities, conformity			mixed waste facilities		
to air quality implementation plans	PERM	93-04-006	management fees	PERM	93-09-065
Chlorofluorocarbon refrigerants			national pollutant discharge elimination		
reclamation and recycling	EMER	93-02-049	system permit program	PROP	93-03-066
	PERM	93-02-050		EMER	93-03-067
recycling requirements	EMER	93-02-049	state waste discharge permit		
	PERM	93-02-050	program	PROP	93-03-066
Clean Air Act				EMER	93-03-067
violations				<b>PERM</b>	<b>93-10-099</b>
maximum penalty	EMER	93-02-012	Wastewater		
Dam safety regulations	PERM	93-01-090	construction grants priority and		
			ranking system	PROP	93-09-064

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

discharge permit program	PROP 93-03-066	Comity	PERM 93-01-081
	EMER 93-03-067	Document preparation requirements	PROP 93-09-023
	<b>PERM 93-10-099</b>	Evaluation of license candidates	PERM 93-01-081
Water quality		Examinations	PERM 93-01-081
forest practices	EMER 93-07-090	Meetings	MISC 93-03-041
whole effluent toxicity testing and limits	PROP 93-08-085	Seal/stamp usage	PROP 93-09-022
Water rate charges	PROP 93-09-064	<b>EVERETT COMMUNITY COLLEGE</b>	
Water resources management program		Meetings	MISC 93-02-030
Columbia River main stem	PERM 93-01-009	<b>EVERGREEN STATE COLLEGE, THE</b>	
Snake River main stem	PERM 93-01-010	Meetings	MISC 93-01-112
Water rights		<b>FARMED SALMON COMMISSION (See AGRICULTURE, DEPARTMENT OF)</b>	
Columbia River water withdrawal	PERM 93-01-009		
Snake River water withdrawal	PERM 93-01-010	<b>FISHERIES, DEPARTMENT OF</b>	
Woodstoves		<u>Commercial</u>	
emission performance standards	PERM 93-04-105	baitfish	
fees	PERM 93-04-105	seasons	EMER 93-06-044
<b>EDMONDS COMMUNITY COLLEGE</b>		bottomfish	
Meetings	MISC 93-01-079	coastal bottomfish	
	MISC 93-02-013	catch limits	EMER 93-01-140
	MISC 93-05-049		EMER 93-04-095
	MISC 93-07-049		PERM 93-07-093
	MISC 93-09-005		EMER 93-09-067
			<b>EMER 93-10-094</b>
<b>EDUCATION, STATE BOARD OF</b>		salmon	
Architectural and engineering services	PROP 93-08-041	coastal harbors	
Corporal punishment reporting requirement	PERM 93-01-077	seasons and gear	PROP 93-09-074
High school graduation requirements	PERM 93-04-115	Columbia River above Bonneville,	
Instructional specialist certificate	PERM 93-05-007	seasons	EMER 93-04-073
Meetings	MISC 93-08-008	Columbia River below Bonneville,	EMER 93-06-015
Racial imbalance prohibition		seasons	EMER 93-06-069
acceptance criteria	PROP 93-04-119		
	PROP 93-07-100		
School bus drivers			
standards and qualifications	PROP 93-04-117		EMER 93-05-017
	PERM 93-08-007		EMER 93-06-014
School construction			EMER 93-06-070
funding assistance, priority system	PERM 93-04-019		EMER 93-07-001
Site conditions		Columbia River tributaries	<b>EMER 93-10-061</b>
acceptance criteria	PROP 93-04-118	Puget Sound	
	PERM 93-07-104	seasons and gear	PROP 93-09-073
Teachers		troll season	<b>EMER 93-10-043</b>
definitions of terms	PROP 93-04-120	scallops	
	PERM 93-07-101	areas and seasons	EMER 93-07-043
out-of-endorsement placement	PROP 93-04-116	sea cucumbers	
	PERM 93-07-102	areas and seasons	<b>EMER 93-10-044</b>
teacher preparation programs	PROP 93-04-120	sea urchins	
	PERM 93-07-101	areas and seasons	EMER 93-05-006
			EMER 93-07-006
<b>EMPLOYMENT SECURITY DEPARTMENT</b>		shrimp	
Rules coordinator	MISC 93-01-167	Puget Sound	EMER 93-09-028
	MISC 93-05-008	smelt	
Unemployment compensation		areas and seasons	EMER 93-01-008
waiting period credit or benefits,		sturgeon	
claims	PROP 93-07-086	coastal harbors	
	<b>PERM 93-10-025</b>	seasons and gear	PROP 93-09-074
		Columbia River	
		above Bonneville, seasons	EMER 93-02-008
<b>ENERGY FACILITY SITE EVALUATION COUNCIL</b>		<u>Personal use</u>	
Meetings	MISC 93-02-023	clams	
Members		area closures	EMER 93-08-059
salaries and benefits, applicant			EMER 93-09-025
funding of	PROP 93-07-094	areas and seasons	
		razor	EMER 93-01-017
<b>ENERGY OFFICE</b>			EMER 93-01-104
Organization	PERM 93-02-033		EMER 93-07-092
Public records			EMER 93-08-017
availability	PERM 93-02-033		<b>EMER 93-10-096</b>
copying fees	PERM 93-02-033	seasons	<b>PROP 93-10-095</b>
		definitions and rules, amendments	PROP 93-04-096
<b>ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR PROFESSIONAL</b>			PROP 93-08-033
Adjudicative proceedings			PERM 93-08-034
failure to meet prerequisites	PROP 93-09-024		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

food fish			Meetings	MISC	93-03-009
bag limits	EMER	93-09-026	Punchboards and pull tabs		
	<b>PROP</b>	<b>93-10-095</b>	coin-operated pull tab dispensing devices	PROP	93-07-083
oysters				PROP	93-07-087
areas and seasons	PERM	93-09-027	electronic punchboards	PROP	93-07-081
rules and definitions, amendments	PROP	93-04-096	flares, standards	PROP	93-06-036
	PROP	93-08-033		<b>PERM</b>	<b>93-10-005</b>
	PERM	93-08-034	fund raising events, pull tabs at	PROP	93-07-081
salmon			inventory and retention	PROP	93-08-066
areas and seasons	EMER	93-08-016	name of manufacturer, display required	PROP	93-07-083
Columbia River	EMER	93-04-043	prizes, minimum percentages	PERM	93-04-007
	EMER	93-06-013	recall of defective devices	PROP	93-06-036
	EMER	93-06-068		<b>PERM</b>	<b>93-10-005</b>
	EMER	93-08-018	Record-keeping requirements	PROP	93-08-066
saltwater seasons and bag limits	<b>EMER</b>	<b>93-10-045</b>	Rules coordinator	MISC	93-04-084
shad			Washington blackjack		
areas and seasons	EMER	93-09-026	rules of play	<b>PROP</b>	<b>93-10-042</b>
smelt			wager limits, exception	PROP	93-04-044
areas and seasons	EMER	93-01-008		<b>PROP</b>	<b>93-10-042</b>
sturgeon					
areas and seasons	EMER	93-09-026	<b>GENERAL ADMINISTRATION,</b>		
Rules coordinator	MISC	93-05-014	<b>DEPARTMENT OF</b>		
			Banking, division of		
<b>FOREST PRACTICES BOARD</b>			interstate acquisition reciprocity	PROP	93-05-052
Application and notification	PROP	93-05-010		PERM	93-07-113
Chemicals	PROP	93-05-010	Facilities off state capitol grounds		
Definitions	PROP	93-05-010	parking program	PROP	93-09-068
Endangered Species Act				<b>PROP</b>	<b>93-10-090</b>
relationship to Forest Practices Act	EMER	93-07-060	Parking fees	PROP	93-05-041
Enforcement	PROP	93-05-010		PROP	93-09-068
Forest landowners				<b>PROP</b>	<b>93-10-090</b>
stewardship management plan	EMER	93-02-010	Risk management, division of		
Marbled murrelet			local government self-insurance	PROP	93-07-014
critical wildlife habitats	EMER	93-07-060		PROP	93-09-030
Meetings	MISC	93-01-132	Rules coordinator	MISC	93-07-084
	MISC	93-03-088	Savings and loan associations, divisions of		
	MISC	93-06-029	credit union supervisory		
	MISC	93-08-086	committees	PROP	93-07-103
Policy and organization	PROP	93-05-010			
Practices and procedure	PROP	93-05-010	<b>GOVERNOR, OFFICE OF THE</b>		
Reforestation	PROP	93-05-010	Americans with Disabilities Act		
Road construction and maintenance	PROP	93-05-010	implementation	MISC	93-06-049
State Environmental Policy Act (SEPA)			Ethical conduct standards for executive		
compliance	PROP	93-05-010	branch employees	MISC	93-03-049
Stewardship management plan	EMER	93-02-010	Higher education coordinating board designated		
Stream shade cover	EMER	93-02-009	as review entity for Program Integrity		
	<b>EMER</b>	<b>93-10-015</b>	Triad	MISC	93-03-023
Timber harvesting	PROP	93-05-010	Independent living and rehabilitation		
Watershed analysis	PROP	93-05-010	advisory councils established	MISC	<b>93-10-065</b>
			Rehabilitation and independent living		
			advisory councils established	MISC	<b>93-10-065</b>
<b>GAMBLING COMMISSION</b>			State of emergency		
Amusement games			proclamation	MISC	93-04-005
locations within grocery stores			termination	MISC	93-04-076
authorized	PERM	93-01-013	Travel expenditures for agencies,		
operating requirements	PROP	93-07-082	standards	MISC	<b>93-10-06</b>
wager and prize limits	PROP	93-07-082			
Bingo			<b>GRAYS HARBOR COLLEGE</b>		
accounting requirements	<b>PROP</b>	<b>93-10-042</b>	Meetings	MISC	93-01-130
authorized activities	<b>PROP</b>	<b>93-10-042</b>			
certification procedure for charitable			<b>GREEN RIVER COMMUNITY COLLEGE</b>		
and nonprofit organizations	<b>PROP</b>	<b>93-10-042</b>	Meetings	MISC	93-02-004
disclosure of prizes and rules	<b>PROP</b>	<b>93-10-042</b>	Student code of conduct	PERM	93-04-022
limitations on prizes and receipts	<b>PROP</b>	<b>93-10-042</b>			
live performances as gifts	EMER	93-07-080	<b>GROWTH PLANNING HEARINGS BOARDS</b>		
	PROP	93-07-083	Meetings	MISC	93-01-105
procedures for conducting	<b>PROP</b>	<b>93-10-042</b>		MISC	93-03-017
Card games			Petitions for review, filing	PROP	93-08-032
daily records	PROP	93-06-036	Practice and procedure	PROP	93-06-045
	<b>PERM</b>	<b>93-10-005</b>			
tournaments for fees and prizes	PROP	93-07-082	<b>HARDWOODS COMMISSION</b>		
wager limits	PROP	93-04-044	(See <b>TRADE AND ECONOMIC</b>		
Field offices and operations	PROP	93-01-133	<b>DEVELOPMENT, DEPARTMENT OF)</b>		
	PERM	93-06-011			
Licenses			<b>HEALTH CARE AUTHORITY</b>		
denial, suspension, or revocation	PROP	93-07-082			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Rules coordinator	MISC	93-08-019	licensing standards	PROP	93-01-025
				PERM	93-07-108
<b>HEALTH, DEPARTMENT OF</b>			unlicensed persons		
Abortion facilities			permitted acts	PROP	93-08-106
criminal history disclosure and background inquiries	PROP	93-04-091	Dental hygienists		
	PROP	93-08-078	licenses		
Adjudicative proceedings			out-of-state applicants	PROP	93-01-147
rules for disciplinary boards	PROP	93-04-102		PERM	93-06-042A
	PERM	93-08-003	Description and organization	PROP	93-01-007
secretary programs and professions	PROP	93-08-071		PERM	93-08-004
Adult residential rehabilitation centers			Disciplinary boards		
criminal history disclosure			adjudicative proceedings, rules	PROP	93-04-102
and background inquiries	PROP	93-04-091		PERM	93-08-003
	PROP	93-08-078	Drinking water		
<b>AIDS</b>			operating permit		
prescription drug and HIV intervention programs			fees	PERM	93-03-047
eligibility	PROP	93-06-095	requirements	PERM	93-03-047
reporting requirements	PROP	93-03-003	surface water standards and treatment	PROP	93-04-122
	PERM	93-08-036		PERM	93-08-011
spending limitations	EMER	93-04-015	Emergency medical services and trauma		
Blood lead levels reporting	PROP	93-06-094	care systems		
	PERM	93-10-038	administration	PERM	93-01-148
Boarding homes			certification	PERM	93-01-148
criminal history disclosure and background inquiries	PROP	93-04-091	continuing education	PERM	93-01-148
	PROP	93-08-078	definitions	PERM	93-01-148
Certification			facilities	PERM	93-01-148
expiration	PROP	93-10-071	licensure	PERM	93-01-148
fees	PROP	93-10-071	training	PERM	93-01-148
temporary and provisional certificates	PROP	93-10-072	trauma registry	PERM	93-01-148
Certificate of need			verification of trauma care services	PERM	93-01-148
kidney disease treatment centers	EMER	93-01-150	Hearing aids, council on		
	PROP	93-08-070	hearing aid businesses		
Childbirth centers			bonding requirements	PERM	93-07-010
criminal history disclosure and background inquiries	PROP	93-04-091	licenses		
	PROP	93-08-078	activities requiring	PERM	93-07-009
Chiropractic disciplinary board			continuing education requirements	PERM	93-07-007
meetings	MISC	93-02-064	fees	PROP	93-10-071
professional standards, mandatory reporting	EMER	93-10-006	temporary practice permits	PERM	93-07-008
			Home care agencies		
Chiropractic examiners, board of			criminal history disclosure and background inquiries	PROP	93-04-091
AIDS education	PROP	93-06-090		PROP	93-08-078
continuing education	PERM	93-09-055	Home health agencies		
	PROP	93-06-090	criminal history disclosure and background inquiries	PROP	93-04-091
	PROP	93-09-054		PROP	93-08-078
	PERM	93-09-055	Hospice agencies		
meetings	MISC	93-01-151	criminal history disclosure and background inquiries	PROP	93-04-091
temporary permits	MISC	93-08-062		PROP	93-08-078
	PROP	93-06-090	Hospitals		
	PERM	93-09-055	criminal history disclosure and background inquiries	PROP	93-04-091
x-ray technicians, registration	PROP	93-06-090		PROP	93-08-078
	PERM	93-09-055	new construction regulations	PROP	93-01-149
Contact lenses				PERM	93-07-011
fitting and dispensing	PROP	93-02-066	Kidney disease treatment centers		
records retention	PROP	93-02-066	certificate of need		
Counselors			application moratorium	EMER	93-01-150
fees	PROP	93-10-071	dialysis station need formula	PROP	93-08-070
Criminal history disclosure and background inquiries	PROP	93-04-091	Lead poisoning		
	PROP	93-08-078	blood lead levels reporting	PROP	93-06-094
Dental examiners, board of				PERM	93-10-038
dental lab technicians			Massage practitioners		
permitted acts	PROP	93-08-106	fees	PROP	93-10-071
licensure without examination			Medical examiners, board of		
application procedures	PROP	93-01-025	licenses	PERM	93-01-078
	PROP	93-07-107	special purpose examination	PROP	93-05-047
eligibility	PROP	93-01-025	surgical assistants		
	PERM	93-07-108	utilization and supervision	PROP	93-05-047
examination standards	PROP	93-01-025	Nutropathic physicians		
	PERM	93-07-108	fees	PROP	93-10-071
			Nursing, board of		
			mailing address, responsibility		
			for maintaining	PROP	93-06-091



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

registered nurses			Practical nursing, board of		
fees	PROP	93-08-080	impaired practical nurse program	PERM	93-04-080
Nursing home administrators, board of				PERM	93-07-023
definitions	PROP	93-08-105	licenses, fees	PERM	93-07-023
examinations	PROP	93-08-105	Practice and procedure	PROP	93-01-007
fees	<b>PROP</b>	<b>93-10-071</b>		PERM	93-08-004
licenses	PROP	93-08-105	Psychology, examining board of		
standards of conduct	PROP	93-08-105	assessment procedures	PROP	93-02-067
Nursing pools				PERM	93-07-036
fees	<b>PROP</b>	<b>93-10-071</b>	competence	PROP	93-02-067
quality assurance standards	<b>PROP</b>	<b>93-10-039</b>		PERM	93-07-036
registration	<b>PROP</b>	<b>93-10-039</b>	confidentiality of clients	PROP	93-02-067
Ocularists				PERM	93-07-036
training and licensing requirements	PROP	93-03-046	education prerequisites to licensing	PROP	93-02-065
	<b>PERM</b>	<b>93-10-008</b>		PERM	93-06-092
Opticians			ethical conduct	PROP	93-02-067
contact lens				PERM	93-07-036
fitting and dispensing	PROP	93-02-066	examination	PROP	93-04-014
licensure				PERM	93-07-078
application	<b>PROP</b>	<b>93-10-040</b>	experience prerequisites to licensing	EMER	93-06-023
fees	<b>PROP</b>	<b>93-10-040</b>		PROP	93-02-065
	<b>PROP</b>	<b>93-10-071</b>	fees	PERM	93-06-092
	<b>PROP</b>	<b>93-10-040</b>		PROP	93-02-067
retired active license	<b>PROP</b>	<b>93-10-040</b>	fraud, misrepresentation, or deception	PROP	93-02-067
temporary permits	<b>PROP</b>	<b>93-10-040</b>		PERM	93-07-036
records retention	PROP	93-02-066	misconduct	PROP	93-02-067
meetings	MISC	93-01-153		PERM	93-07-036
Optometry board			records retention	PROP	93-02-067
contact lens				PERM	93-07-036
emergency replacement	PROP	93-08-079	Public records, availability	PROP	93-01-007
identification on prescriptions	MISC	93-03-030		PERM	93-08-004
	PROP	93-08-079	Radiation protection, division of		
prescription, definition	MISC	93-03-030	fee schedule	PROP	93-08-069
prescription release	PROP	93-08-079	Registration		
records retention	MISC	93-03-030	expiration	<b>PROP</b>	<b>93-10-071</b>
specifications	MISC	93-03-030	fees	<b>PROP</b>	<b>93-10-071</b>
	PROP	93-08-079	Residential treatment centers for psychiatrically		
continuing education	PROP	93-08-079	impaired children and youth		
retired active physicians			criminal history disclosure and		
license renewal	PERM	93-01-078	background inquiries	PROP	93-04-091
licenses	PERM	93-01-078		PROP	93-08-078
Pharmacy, board of			background inquiries	MISC	93-01-050
address notification	PROP	93-04-101	Rules coordinator		
	<b>PERM</b>	<b>93-10-007</b>	Rural health care facilities		
aminorex	PROP	93-08-108	criminal history disclosure and background		
authority to order medications for			inquiries	PROP	93-04-091
administration	PROP	93-04-018		PROP	93-08-078
cattle anabolic steroid implants	PERM	93-06-093	Temporary-worker housing		
ephedrine prescription restrictions	PERM	93-05-046	operating licenses	PERM	93-03-031
licenses			standards	PERM	93-03-032
fees	PROP	93-01-146		EMER	93-07-052
	PERM	93-05-045		PROP	93-07-106
nuclear pharmacies			Veterinary board of governors		
accepted professional standards,			animal technicians		
definition	PERM	93-04-016	examinations	PROP	93-04-079
patient medication, customized				PERM	93-08-029
packages	PERM	93-01-051		PROP	93-08-081
pharmacy assistants			definitions	PROP	93-04-079
certification	PROP	93-08-107		PERM	93-08-029
education and training	PROP	93-08-107	fees	<b>PROP</b>	<b>93-10-071</b>
practice and procedures	PERM	93-04-017	licenses	PROP	93-04-079
prescription drug repackaging	PERM	93-01-051		PERM	93-08-029
	PROP	93-07-051	registration	PROP	93-04-079
steroid compounds	PROP	93-08-109		PERM	93-08-029
Physical therapy, board of			veterinarian fees	PROP	93-04-121
aide supervision ratio	PROP	93-04-082		PERM	93-08-028
continuing competency	PROP	93-04-082		<b>PROP</b>	<b>93-10-071</b>
examination requirements for those			Water		
failing exam twice	PERM	93-04-081	drinking water		
renewal of license	PERM	93-04-081	operating permit	PERM	93-03-047
unapproved schools, applicants	PERM	93-04-081	surface water standards and		
Podiatric medical board			treatment	PROP	93-04-122
address notification	PROP	93-08-082		PERM	93-08-011
advertising, prohibited types	PROP	93-08-082	water system evaluation project review		
temporary practice permits	PROP	93-08-082	and approval fees	PERM	93-01-006

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### HIGHER EDUCATION COORDINATING BOARD

Degree Authorization Act			
application requirements	PERM	93-01-103	
institution authorization	PERM	93-01-103	
private vocational schools	PERM	93-01-103	
surety bond requirement	PERM	93-01-103	
Displaced homemaker program	PROP	93-01-099	
	PERM	93-07-061	
State need grant program			
student eligibility	PROP	93-03-087	
	EMER	93-04-070	
	PERM	93-08-010	
technical corrections	PROP	93-03-087	
	EMER	93-04-070	
	PERM	93-08-010	

### HIGHER EDUCATION, JOINT CENTER FOR

Meetings	MISC	93-01-082	
	MISC	93-03-083	

### HIGHER EDUCATION PERSONNEL BOARD

Appeals			
board responsibilities	PROP	93-01-142	
	PERM	93-06-033	
burden of proof	PROP	93-01-142	
	PERM	93-06-033	
preparation of record	PROP	93-01-142	
	PERM	93-06-033	
rights of applicants	PERM	93-01-157	
	PERM	93-01-158	
Eligible lists	PERM	93-01-156	
Examination process	PERM	93-01-156	
	PERM	93-01-158	
	PERM	93-01-155	
Layoff options			
Leave of absence without pay, excepted work period	PROP	93-01-141	
	PERM	93-06-032	
Meetings	MISC	93-01-154	
Qualifications	PERM	93-01-158	
Recruitment and examination process	PERM	93-01-158	

### HIGHLINE COMMUNITY COLLEGE

Adult education, advisory council for meetings	MISC	93-01-070	
--	------	-----------	--

### HISPANIC AFFAIRS, COMMISSION ON

Meetings	MISC	93-02-052	
	MISC	93-07-050	

### HORSE RACING COMMISSION

Appeals	PROP	93-01-107	
Entry, wager in one is wager on all	EMER	93-09-008	
Rules coordinator	MISC	93-09-051	
Stewards			
punishment, authority to award	PROP	93-01-107	

### HOUSING FINANCE COMMISSION

Qualified allocation plan	PERM	93-01-122	
---------------------------	------	-----------	--

### HUMAN RIGHTS COMMISSION

Meetings	MISC	93-01-020	
	MISC	93-01-064	
	MISC	93-01-065	
	MISC	93-02-042	
	MISC	93-05-036	
	MISC	93-06-046	
	MISC	93-09-052	

### INDETERMINATE SENTENCE REVIEW BOARD

Rules coordinator	MISC	93-03-077	
-------------------	------	-----------	--

### INSURANCE COMMISSIONER, OFFICE OF

Actuaries			
statement of actuarial opinion, qualifications to sign	PROP	93-01-159	
	PROP	93-04-062	
	PERM	93-07-020	
Insurers			
statement of actuarial opinion	PROP	93-01-159	
	PROP	93-04-062	
	PERM	93-07-020	
Medicare supplement insurance			
standardized policy forms	PERM	93-01-048	
Rules coordinator	MISC	93-01-022	

### INTEREST RATES

(See inside front cover)

### INVESTMENT BOARD, STATE

Rules coordinator	MISC	93-09-015	
Rules of conduct	PERM	93-04-008	

### JUDICIAL CONDUCT, COMMISSION ON

Meetings	MISC	93-01-019	
	MISC	93-06-065	
Rules coordinator	MISC	93-01-041	

### LABOR AND INDUSTRIES, DEPARTMENT OF

Agricultural safety standards	PROP	93-02-031	
	PROP	93-02-057	
	PERM	93-07-012	
	PERM	93-07-044	
Apprenticeship and training council			
apprenticeship agreements	PERM	93-04-100	
on-the-job training programs	PERM	93-04-100	
Asbestos, notice to employees of hazards	PERM	93-01-005	
Boiler rules, board of			
definitions	PROP	93-08-073	
fees	PROP	93-08-073	
meetings	MISC	93-01-063	
new construction standards	PROP	93-08-073	
nonnuclear repairs and alterations	PROP	93-08-073	
Child labor regulations			
hours of work	PERM	93-01-068	
	PERM	93-01-116	
	PERM	93-01-068	
house-to-house sales	PERM	93-01-068	
minimum age of employment	PERM	93-01-068	
minor work permits	PERM	93-01-068	
parent/school authorization	PERM	93-01-068	
prohibited and hazardous work	PERM	93-01-068	
variances	PERM	93-01-068	
Electrical board			
meetings	MISC	93-06-043	
Electrical installations			
licensing exemptions	PERM	93-03-048	
National Electrical Code, adoption	PROP	93-01-144	
	PERM	93-06-072	
Electricians			
journeyman electricians			
certificate of competency	PERM	93-03-048	
Longshore, stevedore, and waterfront operations	PROP	93-02-057	
	PERM	93-04-111	
	PERM	93-07-044	
	<b>PROP</b>	<b>93-10-101</b>	
Minors			
nonagricultural employment	PERM	93-01-068	
	PERM	93-01-116	
	PERM	93-04-112	
Nonagricultural employment of minors	PERM	93-01-068	
	PERM	93-01-116	
	PERM	93-04-112	

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Occupational health standards			wreckers	PROP	93-01-115
general	PERM	93-01-005		PERM	93-08-076
	PERM	93-01-067	Motorcycle safety advisory board		
	PROP	93-02-057	meetings	MISC	93-04-003
	PERM	93-07-044	Notaries public	PERM	93-05-009
	<b>PROP</b>	<b>93-10-101</b>		PROP	93-08-083
Safety and health standards			Private detectives		
agriculture	PROP	93-02-031	licensing fees	PROP	93-07-099
	PROP	93-02-057	Private security guards		
	PERM	93-07-012	licensing fees	PROP	93-07-098
	PERM	93-07-044	Real estate appraisers		
	<b>PROP</b>	<b>93-10-041</b>	certification application	PROP	93-03-019
construction work	PERM	93-01-067	definitions	PROP	93-03-019
	PROP	93-02-057	examinations	PROP	93-03-019
	PERM	93-04-111	experience requirements	PROP	93-03-019
	PERM	93-07-044	fees	PROP	93-03-019
	<b>PROP</b>	<b>93-10-101</b>	temporary practice	PROP	93-03-019
general	<b>PROP</b>	<b>93-10-101</b>	Real estate commission		
longshore, stevedore, and waterfront			meetings	MISC	93-01-045
operations	PROP	93-02-057	Rules coordinator	MISC	93-01-092
	PERM	93-04-111	Securities division		
	PERM	93-07-044	financial planner, what constitutes	PERM	93-01-113
	<b>PROP</b>	<b>93-10-101</b>	investment counselor, what constitutes	PERM	93-01-113
ship repairing, shipbuilding,	<b>PROP</b>	<b>93-10-101</b>	NASAA statements of policy, adoption	PERM	93-01-075
and shipbreaking	PERM	93-01-067	preferred stock issuance standards	PERM	93-01-074
signage			registered offerings		
Workers' compensation			NASAA statements of policy, adoption	PERM	93-01-075
manual of rules, classifications,			Security guards, private		
and rate tables	PROP	93-07-114	licensing fees	PROP	93-07-098
self-insurance certification	PROP	93-07-115	Unauthorized and abandoned vehicles	PROP	93-01-115
signaling	PERM	93-01-067		PERM	93-08-076
			Uniform commercial code		
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>			fees for program services	PERM	93-01-061
Affirmative action	PERM	93-01-084	forms, standardized	PERM	93-01-061
Board of trustees	PERM	93-03-086	Vessels		
Bookstore operation	PERM	93-01-084	dealer decals fee	PROP	93-01-111
College calendar	PERM	93-01-084	dealer registration fees	PROP	93-01-111
Copyright and patent policy	PERM	93-01-084	Wreckers	PROP	93-01-115
Debts, services withheld for outstanding	PERM	93-01-084		PERM	93-08-076
Meetings	MISC	93-01-042			
	MISC	93-01-124	<b>LIQUOR CONTROL BOARD</b>		
	PERM	93-03-086	Breweries, retail sale of beer on		
Nepotism policy	PERM	93-01-084	premises	PROP	93-07-109
Tuition and fees			Destruction of liquor by enforcement		
refunds	PERM	93-01-084	officers	PROP	93-07-109
			Dispensing apparatus and container	<b>PERM</b>	<b>93-10-070</b>
<b>LEGAL FOUNDATION OF WASHINGTON</b>			Licenses		
Meetings	MISC	93-06-003	class H restaurant operation	PROP	93-06-066
			defective beer or keg claims	<b>PERM</b>	<b>93-10-092</b>
<b>LICENSING, DEPARTMENT OF</b>			requirements for qualification	PROP	93-06-066
Cemetery board			true party of interest	PROP	93-07-110
fees	PROP	93-03-062	Meetings	<b>PROP</b>	<b>93-10-069</b>
	PERM	93-07-041	Novelty advertising	PROP	93-06-066
Cremated remains disposition			Packaging	<b>PERM</b>	<b>93-10-070</b>
business licensing	PROP	93-03-063	Private clubs, licensing	PROP	93-07-109
	PERM	93-07-040	Prohibited practices	<b>PERM</b>	<b>93-10-070</b>
Engineers and land surveyors			Public hearings	MISC	93-01-134
fees	PROP	93-07-111	Rules coordinator	MISC	93-02-032
	<b>PERM</b>	<b>93-10-057</b>	Temporary licenses	<b>PERM</b>	<b>93-10-070</b>
Hulk haulers/scrap processors	PROP	93-01-115	Wine		
	PERM	93-08-076	fortified wine	PROP	93-07-109
Motor vehicles			Wineries, retail sale of wine on		
dealer temporary permits,			premises	PROP	93-07-109
display	<b>PROP</b>	<b>93-10-073</b>			
hulk haulers/scrap processors	PROP	93-01-115	<b>LOTTERY COMMISSION</b>		
	PERM	93-08-076	Debts owed the state	PROP	93-07-121
imported vehicles			<u>Instant game number 89 - Lucky 8's</u>		
ownership documentation	<b>PROP</b>	<b>93-10-073</b>	definitions	PROP	93-03-094
registration and certificates of	<b>PROP</b>	<b>93-10-073</b>	<u>Instant game number 92 - Triple Play</u>	PERM	93-07-016
title			criteria		
rental cars			definitions	PERM	93-03-008
taxation and licensing of	PERM	93-01-066		PERM	93-03-008
unauthorized and abandoned vehicles	PROP	93-01-115			
	PERM	93-08-076			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ticket validation	PERM	93-03-008	Regional marine safety committees		
<u>Instant game number 93 - Hog Mania</u>			guidelines and procedures	PROP	93-06-088
criteria	PERM	93-03-008	meetings	MISC	93-02-014
definitions	PERM	93-03-008		MISC	93-05-035
ticket validation	PERM	93-03-008		MISC	93-09-007
<u>Instant game number 94 - Applebucks II</u>				<b>MISC</b>	<b>93-10-003</b>
criteria	PERM	93-03-008		<b>MISC</b>	<b>93-10-064</b>
definitions	PERM	93-03-008	Rules coordinator	MISC	93-03-022
ticket validation	PERM	93-03-008	State Environmental Policy Act		
<u>Instant game number 95 - High Roller</u>			compliance	PROP	93-09-070
criteria	PROP	93-03-094	Tank vessel oil spill prevention		
	PERM	93-07-016	plans	PROP	93-02-055
definitions	PROP	93-03-094		PERM	93-07-005
	PERM	93-07-016			
ticket validation	PROP	93-03-094			
	PERM	93-07-016			
<u>Instant game number 96 - Tic-Tac-Dough</u>			<b>MARITIME COMMISSION</b>		
criteria	PROP	93-03-094	Meetings	MISC	93-03-006
	PERM	93-07-016			
definitions	PROP	93-03-094	<b>MINORITY AND WOMEN'S BUSINESS</b>		
	PERM	93-07-016	<b>ENTERPRISES, OFFICE OF</b>		
ticket validation	PROP	93-03-094	Bid criteria		
	PERM	93-07-016	monetary value	EMER	93-05-037
<u>Instant game number 97 - Lucky Charm</u>					
criteria	PROP	93-03-094	<b>NATURAL RESOURCES, DEPARTMENT OF</b>		
	PERM	93-07-016	Forest closures		
definitions	PROP	93-03-094	closed seasons	EMER	93-09-020
	PERM	93-07-016		<b>EMER</b>	<b>93-10-058</b>
ticket validation	PROP	93-03-094	Forest fire advisory board		
	PERM	93-07-016	meetings	MISC	<b>93-10-106</b>
<u>Instant game number 98 - Ace in the Hole</u>			Forest practices board		
criteria	PROP	93-07-121	(see FOREST PRACTICES BOARD)		
definitions	PROP	93-07-121	Forest protection zones		
ticket validation	PROP	93-07-121	King County	PROP	93-04-107
<u>Instant game number 99 - Megamoney</u>				<b>PROP</b>	<b>93-10-107</b>
criteria	PROP	93-07-121	Kitsap County	<b>PROP</b>	<b>93-10-108</b>
definitions	PROP	93-07-121	Pierce County	PERM	93-03-007
ticket validation	PROP	93-07-121		PROP	93-03-064
<u>Instant game number 100 - Top Banana</u>				PERM	93-07-002
criteria	PROP	93-07-121	Natural heritage advisory council		
definitions	PROP	93-07-121	meetings	MISC	93-04-092
ticket validation	PROP	93-07-121	Natural resources, board of		
Lotto			meetings	MISC	93-01-018
prizes	PERM	93-03-008		MISC	93-01-119
Prizes			Rules coordinator	MISC	93-04-059
claim, defined	PERM	93-04-004	Timber sales, policies and procedures	MISC	93-05-024
debts owed state	PERM	93-04-004	for conditioning or denying permits	MISC	93-01-114
payable after death or disability	PERM	93-04-004	White Salmon Oak natural resources		
payments	PERM	93-04-004	conservation area	MISC	93-09-072
Rules coordinator	MISC	93-07-015	Woodard Bay natural resources		
			conservation area	MISC	93-09-071
<b>MARINE OVERSIGHT BOARD</b>					
Meetings	MISC	93-01-106	<b>NORTHWEST AIR POLLUTION AUTHORITY</b>		
	MISC	93-02-015	Regulations updated	PROP	93-04-009
	MISC	93-03-040		<b>PERM</b>	<b>93-10-016</b>
	<b>MISC</b>	<b>93-10-104</b>			
	<b>MISC</b>	<b>93-10-105</b>			
<b>MARINE SAFETY, OFFICE OF</b>			<b>NOXIOUS WEED CONTROL BOARD</b>		
Cargo and passenger vessel screening	PROP	93-02-054	(See AGRICULTURE, DEPARTMENT OF)		
	PERM	93-07-003			
Definitions	PROP	93-02-053	<b>OLYMPIC COLLEGE</b>		
	PERM	93-07-004	Meetings	MISC	93-01-057
General information	PROP	93-06-086		MISC	93-06-027
Oil spill contingency plans	PROP	93-06-089			
	PROP	93-09-069	<b>OUTDOOR RECREATION, INTERAGENCY</b>		
Oil spill prevention plans	PROP	93-02-055	<b>COMMITTEE FOR</b>		
	PERM	93-07-005	Meetings	MISC	93-01-058
Passenger and cargo vessel screening	PROP	93-02-054		MISC	93-06-025
	PERM	93-07-003	<b>PARKS AND RECREATION COMMISSION</b>		
Public records, availability	PROP	93-06-087	Campsite reservations	PROP	93-01-165
				PERM	93-06-001
			Fees	PROP	93-01-165
				PERM	93-06-001
				PERM	93-08-025
				<b>EMER</b>	<b>93-10-060</b>

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Firearms and/or weapons	PROP 93-01-165	Reduction in force	
	PERM 93-06-001	guidelines and procedures	PROP 93-02-036
Fort Worden			PROP 93-04-099
fees	PERM 93-01-029		PROP 93-08-045
Marine facilities		reasons, regulations, and procedure	PROP 93-09-060
marine trail camping areas	PROP 93-01-165	transition pool	EMER 93-09-003
	PERM 93-06-001		PROP 93-09-057
moorage fees and permits	PROP 93-01-165	Referrals	
	PERM 93-06-001	name removal for cause	PERM 93-02-040
	PERM 93-08-025	Registers	
Marine trail camping areas	<b>EMER 93-10-060</b>	designations	PROP 93-08-042
	PROP 93-01-165	disqualification	PERM 93-02-040
	PERM 93-06-001	name removal for cause	PERM 93-02-040
Rules coordinator	MISC 93-08-061	protest process	PERM 93-02-040
Senior citizens, off-season pass	PROP 93-01-165	Rules coordinator	MISC 93-08-031
	PERM 93-06-001	Salary schedule	
	PERM 93-08-025	exchange time	PROP 93-02-035
	<b>EMER 93-10-060</b>	overtime	PROP 93-02-035
		reduction in salary	PROP 93-02-035
		wage and hour records	PROP 93-02-035
<b>PENINSULA COLLEGE</b>		Y-rate, administration	PROP 93-08-044
Meetings	MISC 93-03-075	Seasonal career employment	PROP 93-08-042
<b>PERSONNEL APPEALS BOARD</b>		Shift premium provisions and	
Meetings	MISC 93-06-085	compensation	PROP 93-02-039
Rules coordinator	MISC 93-01-098		PROP 93-06-080
			PROP 93-09-059
<b>PERSONNEL, BOARD AND DEPARTMENT</b>		Sick leave	
Absences		usage	PROP 93-08-072
partial day, exceptions work period	PROP 93-02-037	Suspension	PROP 93-02-035
	PERM 93-06-081	Vacation leave	
Allocation or reallocation		usage	PROP 93-08-072
determination review request	PROP 93-08-043		
Applicants		<b>PIERCE COLLEGE</b>	
disqualification	PERM 93-02-040	Meetings	MISC 93-03-014
	PROP 93-08-047		MISC 93-06-026
name removal for cause	PERM 93-02-040	Rules coordinator	MISC 93-01-046
protest process	PERM 93-02-040		
Certification		<b>PILOTAGE COMMISSIONERS, BOARD OF</b>	
disqualification	PERM 93-02-040	Exempt vessels	PROP 93-04-110
name removal for cause	PERM 93-02-040		PERM 93-07-077
protest process	PERM 93-02-040	Pilot licenses	
referral process guidelines	PROP 93-02-038	limitations on new pilots	PROP 93-06-052
	PROP 93-06-077		EMER 93-06-012
	PERM 93-08-048	renewal or reinstatement	PERM 93-09-016
Compensatory time			PROP 93-04-109
usage	PROP 93-08-072		PERM 93-07-076
Demotion	PROP 93-02-035	Pilotage tariff rates	
Disability		Grays Harbor district	PROP 93-03-001
reasonable accommodation	PROP 93-02-041		PERM 93-03-080
	PROP 93-04-098		<b>PROP 93-10-102</b>
	PROP 93-06-078	Puget Sound district	PROP 93-08-027
	PROP 93-07-054	Rules coordinator	MISC 93-03-021
	<b>PROP 93-10-027</b>		
separation	PROP 93-02-041	<b>POLLUTION LIABILITY INSURANCE AGENCY</b>	
	PROP 93-04-098	Underground storage tank community	
	PROP 93-06-078	assistance program	
	PROP 93-07-054	grants to tank owners or operators	PROP 93-01-139
	<b>PROP 93-10-027</b>		PERM 93-04-041
Essential functions, defined	PROP 93-04-097	<b>PUBLIC DISCLOSURE COMMISSION</b>	
	PROP 93-08-046	Brief enforcement hearings	PROP 93-09-001
	<b>PROP 93-10-026</b>		<b>PROP 93-10-050</b>
	<b>PROP 93-10-028</b>	Contributions	
Leave without pay		forms for reporting	PROP 93-04-127
usage	PROP 93-08-072		PERM 93-09-002
Partial day absence, exceptions		identification of source	PROP 93-01-135
work period	PROP 93-02-037		EMER 93-01-136
	PERM 93-06-081	Meetings	PERM 93-04-072
Position allocations and reallocations	PROP 93-04-097	Registration statements	<b>MISC 93-10-048</b>
	PROP 93-08-046	forms	<b>PROP 93-10-049</b>
	<b>PROP 93-10-026</b>		<b>EMER 93-10-051</b>
Probationary periods	PROP 93-06-079	Rules coordinator	MISC 93-08-002
	PROP 93-09-058		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

Rules coordinator MISC 93-09-004

### PUBLIC INSTRUCTION, SUPERINTENDENT OF

Allocations, 1991-93  
 redirection of apportionment PERM 93-04-054  
 Basic education allocations  
 redirection of apportionment PERM 93-04-054  
 Early intervention services  
 PROP 93-07-046  
 PROP 93-07-047  
 PROP 93-07-048  
 Educational excellence award PERM 93-08-005  
 Even start project EMER 93-08-037  
 Fair start program  
 allocation of moneys PROP 93-07-048  
 policies and procedures PROP 93-07-046  
 Public records, availability PROP 93-03-002  
 PERM 93-07-039  
 School buses  
 depreciation allocation calculation PROP 93-09-019  
 stopping on the roadway PROP 93-01-086  
 PERM 93-05-023  
 Teacher assistance program PROP 93-02-017  
 PERM 93-07-037

### PUBLIC WORKS BOARD (See COMMUNITY DEVELOPMENT, DEPARTMENT OF)

### PUGET SOUND AIR POLLUTION CONTROL AGENCY

Asbestos removal projects  
 fees PERM 93-06-002  
 requirements PERM 93-06-002  
 Asbestos-containing material  
 handling procedures PERM 93-06-002  
 removal certification PERM 93-06-002  
 Fees PERM 93-04-086  
 Outdoor fires  
 prohibited types and areas PROP 93-08-020  
 variances from regulation PERM 93-04-086

### PUGET SOUND WATER QUALITY AUTHORITY

Meetings MISC 93-02-051  
**MISC 93-10-014**

### RENTON TECHNICAL COLLEGE

Board of trustees PROP 93-09-031  
 Debts, services withheld for outstanding PROP 93-09-035  
 Discrimination policies and procedures PROP 93-09-043  
 Facilities, guidelines for use PROP 93-09-039  
 Faculty  
 tenure, dismissal, and reduction in force PROP 93-09-045  
 Finance aid PROP 93-09-036  
 Library resource center policies PROP 93-09-040  
 Meetings MISC 93-01-120  
 Organization and operation PROP 93-09-037  
 Parking and traffic PROP 93-09-033  
 Practice and procedure PROP 93-09-032  
 Public records, availability PROP 93-09-041  
 Rules coordinator MISC 93-01-120  
 MISC 93-03-042  
 PROP 93-09-038  
 State Environmental Policy Act  
 compliance PROP 93-09-044  
 Students  
 conduct rules PROP 93-09-034  
 records, availability PROP 93-09-042

### RETIREMENT SYSTEMS, DEPARTMENT OF

Adjudicative proceedings PROP 93-08-054  
 Law enforcement officer's and  
 fire fighters' retirement system  
 members elected to public office PROP 93-08-053  
 Public employees' retirement system  
 unions as employers PROP 93-08-052

Teachers' retirement system  
 part-time teachers, determination of  
 pension benefits PROP 93-08-051

### REVENUE, DEPARTMENT OF

Assessment roll corrections PROP 93-05-015  
 PERM 93-08-050  
 Business and occupation tax  
 jewelry repair shops PERM 93-03-005  
 meals, sale of PROP 93-07-069  
 PROP 93-07-070  
 County boards of equalization  
 jurisdiction and authority PROP 93-05-015  
 PERM 93-08-050  
 Excise tax  
 assessments  
 statutory limitations PERM 93-03-004  
 interstate motor carriers PROP 93-02-047  
 public utility tax, deductions PROP 93-04-045  
 PERM 93-07-066  
 PERM 93-04-077  
 PROP 93-01-102  
 refunds for overpayment  
 sales of heat  
 Property tax  
 agricultural land valuation PROP 93-04-020  
 PERM 93-07-067  
 EMER 93-04-021  
 credit against timber excise tax  
 forest land values PROP 93-09-029  
 PERM 93-02-024  
 new construction, assessment PROP 93-05-016  
 PERM 93-08-049  
 real property, definition PROP 93-05-016  
 PERM 93-08-049  
 PROP 93-03-024  
 EMER 93-03-025  
 PERM 93-06-096  
 MISC 93-01-049  
 Rules coordinator  
 Sales tax  
 meals, sale of PROP 93-07-069  
 PROP 93-07-070  
 Tax appeals, board of  
 direct appeals PROP 93-05-015  
 PERM 93-08-050  
 Tax registration PROP 93-02-046  
 PROP 93-08-013  
 Timber excise tax  
 personal property tax credit  
 stumpage values PROP 93-09-029  
 PERM 93-02-025  
 PROP 93-07-068  
**PROP 93-10-091**

### RULES COORDINATORS

Bellevue Community College MISC 93-05-051  
 Bellingham Technical College MISC 93-05-018  
 Blind, Washington state school for the MISC 93-01-118  
 Building code council MISC 93-05-025  
 Central Washington University MISC 93-01-095  
 Centralia College MISC 93-06-084  
 Clark College MISC 93-02-005  
 Code reviser's office MISC 93-01-001  
 Community development, office of MISC 93-04-104  
 Corrections, department of MISC 93-08-014  
 County road administration board MISC 93-02-059  
 Deaf, Washington school for the MISC 93-01-129  
 Ecology, department of MISC 93-01-087  
 Employment security department MISC 93-01-167  
 MISC 93-05-008  
 Fisheries, department of MISC 93-05-014  
 Gambling commission MISC 93-04-084  
 General administration, department of MISC 93-07-084  
 Health care authority MISC 93-08-019  
 Health, department of MISC 93-01-050  
 Horse racing commission MISC 93-09-051  
 Indeterminate sentence review board MISC 93-03-077  
 Insurance commissioner, office of MISC 93-01-022  
 Investment board MISC 93-09-015

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Judicial conduct, commission on	MISC	93-01-041	Aid to families with dependent children	
Licensing, department of	MISC	93-01-092	alien sponsorship, income and resources	PROP 93-04-026
Liquor control board	MISC	93-02-032		PERM 93-07-032
Lottery commission	MISC	93-07-015	benefits	PROP 93-03-059
Marine safety, office of	MISC	93-03-022	earned income exemption	PROP 93-03-057
Natural resources, department of	MISC	93-01-114	eligibility	PROP 93-03-056
Personnel appeals board	MISC	93-01-098	employable	
Parks and recreation commission	MISC	93-08-061	unemployment of parent	PROP 93-03-055
Personnel, department of	MISC	93-08-031	income disregard	PROP 93-04-027
Pierce College	MISC	93-01-046		PERM 93-07-031
Pilotage commissioners, board of	MISC	93-03-021	income exemption	PROP 93-04-035
Public disclosure commission	MISC	93-08-002		PERM 93-07-034
Public employment relations commission	MISC	93-09-004	income use and potentials	PROP 93-07-072
Public works board	MISC	93-04-104		<b>PERM 93-10-022</b>
Renton Technical College	MISC	93-01-120	medical assistance extensions	PERM 93-01-034
	MISC	93-03-042	personal property exemption	PROP 93-05-004
	PROP	93-09-038		PERM 93-07-126
Revenue, department of	MISC	93-01-049	Child care	
Shoreline Community College	MISC	93-02-026	background inquiries	PROP 93-07-035
Tax appeals, board of	MISC	93-01-054		<b>PROP 93-10-018</b>
Transportation commission	MISC	93-02-027	health and safety standards	PROP 93-07-018
Transportation, department	MISC	93-02-043		EMER 93-07-019
Transportation improvement board	MISC	93-05-011		<b>PERM 93-10-021</b>
University of Washington	MISC	93-04-042	overnight youth shelters	
Utilities and transportation commission	MISC	93-01-038	licensing requirements	PROP 93-05-031
Washington State University	MISC	93-04-010		PROP 93-08-009
Wildlife, department of	MISC	93-05-001		<b>PROP 93-10-020</b>
Workforce training and education coordinating board	PROP	93-02-045	school-age child care centers	
			licensing requirements	PERM 93-02-020
			transitional child care	PROP 93-07-073
<b>SEATTLE COMMUNITY COLLEGES</b>			Child protective services	
Meetings	MISC	93-01-028	authority limitations	<b>PROP 93-10-093</b>
	MISC	93-01-096	eligibility for services	<b>PROP 93-10-093</b>
	MISC	93-01-097	reports, acceptance	<b>PROP 93-10-093</b>
	MISC	93-05-026	Children, youth, and family services,	
	MISC	93-06-035	division of	
	MISC	93-07-057	compliant procedure	PROP 93-09-018
	MISC	<b>93-10-031</b>	overnight youth shelters, licensing requirements	PROP 93-05-031
<b>SECRETARY OF STATE</b>			Developmentally disabled	
Archives and records management, division of			residential programs	
public records management	PERM	93-04-001	staffing requirements	PROP 93-01-003
state agency records officers, duties	PERM	93-04-001		PERM 93-04-029
state archivist, duties	PERM	93-04-001	Diversity initiative, department intent	PROP 93-01-125
state records committee, duties	PERM	93-04-001		PERM 93-04-037
<b>SHORELINE COMMUNITY COLLEGE</b>			Domestic violence	
Meetings	MISC	93-06-028	perpetrator program standards	PROP 93-06-082
Parking and traffic	PERM	93-02-063		<b>PERM 93-10-024</b>
Rules coordinator	MISC	93-02-026	Family independence program	
<b>SKAGIT VALLEY COLLEGE</b>			conversion of enrollees to aid to families with dependent children recipients	PROP 93-03-055
Meetings	MISC	93-02-006		PROP 93-03-056
	MISC	93-07-024		PROP 93-03-057
				PROP 93-03-058
				PROP 93-03-059
			medical assistance extensions	PERM 93-01-034
			personal property exemption	PROP 93-05-004
	EMER	93-03-081	meetings	PERM 93-07-126
	PROP	93-03-082	unemployment of parent	MISC 93-01-023
	PERM	93-07-030	Food stamp program	PROP 93-03-055
Aging and adult services			benefits, continuation pending fair hearing	
assessment and service plan development	PROP	93-01-030		PERM 93-04-034
	PROP	93-04-023	coupons, issuance and use	PERM 93-04-069
	PERM	93-06-042	denial of benefits	PROP 93-07-075
chore personal care services	PROP	93-01-031		<b>PROP 93-10-019</b>
	PERM	93-04-036	disabled persons, eligibility	PROP 93-08-038
Medicaid personal care services	PROP	93-07-071		PROP 93-08-039
	<b>PERM 93-10-023</b>		hearing, benefits continuation	PROP 93-08-040
nursing home accounting and reimbursement system	PROP	93-08-065	pending fair hearing	PERM 93-04-034

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Funeral and interment services			institutionalized client, allocation of		
available services	PROP	93-02-018	income and resources	PROP	93-03-027
	EMER	93-02-021		EMER	93-03-029
	PERM	93-05-021		PERM	93-06-041
maximum cost standards	PROP	93-02-018		PROP	93-08-022
	EMER	93-02-021		EMER	93-08-023
	PERM	93-05-021	institutionalized client,		
General assistance			availability of resources	EMER	93-04-031
alien sponsorship, income and				PROP	93-04-032
resources	PROP	93-04-026		PERM	93-07-029
eligibility	PROP	93-08-064	limits on scope of services	PROP	93-07-074
general assistance-unemployable program				<b>PROP</b>	<b>93-10-017</b>
eligibility	PROP	93-01-056	Medicaid		
	PROP	93-04-025	eligibility	PROP	93-03-060
	PERM	93-06-073		EMER	93-03-061
	PROP	93-08-074		PERM	93-06-037
income disregard	PROP	93-04-027		PROP	93-08-022
personal property exemption	PROP	93-05-004		EMER	93-08-023
	PERM	93-07-126	medical care programs		
pregnant women, eligibility	PROP	93-08-064	payment conditions	PERM	93-01-036
standards of assistance	PROP	93-09-017	medically needy		
Income assistance			eligibility	EMER	93-04-087
standards of assistance	PROP	93-01-143		PROP	93-04-090
	PERM	93-04-030		PERM	93-07-028
United States repatriate program	PROP	93-08-075	limited casualty program, base		
Job opportunities and basic skills training			period	EMER	93-04-088
program (JOBS)				PROP	93-04-089
employability plans	PROP	93-03-058	scope of care	PERM	93-07-125
supportive services	PROP	93-07-073	Medicare cost sharing, eligibility	PERM	93-01-044
transitional child care	PROP	93-07-073		PROP	93-01-032
Medical assistance				EMER	93-02-019
aliens, newly legalized	PROP	93-06-009		PERM	93-04-024
	EMER	93-06-010		PROP	93-08-022
	PERM	93-08-111		EMER	93-08-023
audiometric services	PROP	93-03-034	midwife services and payment	PERM	93-02-001
	PERM	93-06-039	nursing facility operated by fraternal,		
availability of income	PERM	93-01-037	religious, or benevolent organization		
	PROP	93-03-026	client eligibility	PROP	93-06-040
	PROP	93-03-027		PROP	93-08-113
	EMER	93-03-028	outward bound residential alternatives		
	EMER	93-03-029	(OBRA)		
	PERM	93-06-038	eligibility	PROP	93-07-123
	PERM	93-06-041	patient requiring regulation in use		
categorically needy, eligibility	PROP	93-01-002	of services	PROP	93-07-124
	PERM	93-04-033	prosthetic/orthotic devices	PROP	93-01-024
community alternatives program (CAP)				PROP	93-02-034
eligibility	PROP	93-07-126		PROP	93-05-019
community options program entry system			provider enrollment, eligibility	PROP	93-08-021
(COPEs)				EMER	93-08-024
eligibility	PROP	93-07-123	relative financial responsibility	PROP	93-07-122
coordinated community AIDS service			school medical services for special		
alternatives (CASA)			education students	PERM	93-01-044
eligibility	PROP	93-07-123	services not covered	PROP	93-07-074
dentures	PROP	93-08-006	special low-income medicare benefi-		
durable medical equipment	PROP	93-01-024	ciaries	PROP	93-01-032
	PROP	93-02-034		PERM	93-04-024
	PROP	93-05-019		EMER	93-02-019
eligible providers defined	PROP	93-08-021	Nursing homes		
	EMER	93-08-024	accounting and reimbursement system	PROP	93-08-065
exempt resources	PROP	93-03-026	Repatriate program	PROP	93-08-075
	EMER	93-03-028	Shelters		
	PERM	93-06-038	overnight youth shelters, licensing		
	EMER	93-06-053	requirements	PROP	93-05-031
	PROP	93-06-054		PROP	93-08-009
	PERM	93-08-112		<b>PROP</b>	<b>93-10-020</b>
	PERM	93-01-034	Standards of assistance		
extensions			basic requirements	EMER	93-02-002
hospital inpatient services			Support enforcement, office of		
payment rate	PERM	93-01-035	child support obligations	PROP	93-01-085
income, eligibility	PROP	93-03-026		PERM	93-05-020
	EMER	93-03-028	conference board	PROP	93-01-085
			confidentiality	PERM	93-05-020
				PROP	93-01-085
				PERM	93-01-085
				PERM	93-05-020



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

enforcement	PROP	93-01-085	Rules coordinator	MISC	93-01-054
	PERM	93-05-020			
responsibilities of office	PROP	93-01-085	<b>TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>		
	PERM	93-05-020	Community economic revitalization board		
Time-loss compensation			meetings	MISC	93-02-003
attorney's fees, allowable	PROP	93-01-012		MISC	93-09-021
	PERM	93-04-028			
calculation of lien	PROP	93-01-012	Hardwoods commission		
	PERM	93-04-028	assessments		
			payment and collection	PROP	93-07-038
<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>				PROP	93-09-049
Meetings	MISC	93-05-033		PROP	93-09-053
			meetings	MISC	93-08-015
<b>SOUTHWEST AIR POLLUTION CONTROL AUTHORITY</b>			report form	PROP	93-07-038
Air contaminant sources				PROP	93-09-049
implementation of regulations	PROP	93-10-089		PROP	93-09-053
Appeals	PROP	93-10-085			
Asbestos control standards	PROP	93-10-086	<b>TRAFFIC SAFETY COMMISSION</b>		
Board members	PROP	93-10-085	Meetings	MISC	93-02-029
Bubble rules	PROP	93-10-083		MISC	93-05-012
Compliance			<b>TRANSPORTATION COMMISSION</b>		
public involvement	PROP	93-10-084	Meetings	MISC	93-01-123
schedules	PROP	93-10-084		MISC	93-04-055
variances	PROP	93-10-084		MISC	93-06-024
Definitions	PROP	93-10-079		MISC	93-07-095
Deterioration prevention	PROP	93-10-083		MISC	93-09-056
Emission reduction credits	PROP	93-10-083	Rules coordinator	MISC	93-02-027
Emission standards	PROP	93-10-078			
	PROP	93-10-080	<b>TRANSPORTATION, DEPARTMENT OF</b>		
enforcement and penalties	PROP	93-10-085	Building or house moves on highways	PROP	93-01-011
Meetings	MISC	93-02-062		PERM	93-04-071
New sources			Ferries		
performance standards	PROP	93-10-078	preferential loading	PROP	93-08-012
	PROP	93-10-082		PROP	93-09-048
review	PROP	93-10-082	Highway access management		
Open fires	PROP	93-10-085	access control classification system and		
Operating permit program	PROP	93-10-074	standards	PERM	93-03-033
	PROP	93-10-075	Highway construction		
	PROP	93-10-076	prequalification of contractors	PERM	93-03-020
Oxygenated fuels regulation	PROP	93-10-087	Pavement edge lines	PROP	93-01-076
Petroleum contaminated soil				PROP	93-07-055
volatile organic emissions	PROP	93-10-088		PROP	93-10-068
	PROP	93-10-077	Rules coordinator	MISC	93-02-043
Records, monitoring, and reporting	PROP	93-10-081	Stop line locations	PROP	93-01-076
Registration of sources	PROP	93-10-081		PROP	93-07-055
exemptions	PROP	93-10-081		PROP	93-10-068
Regulations, implementations	PROP	93-10-089	<b>TRANSPORTATION IMPROVEMENT BOARD</b>		
Startup and shutdown	PROP	93-10-081	Meetings	MISC	93-03-016
				MISC	93-07-013
<b>SPOKANE, COMMUNITY COLLEGES OF</b>				MISC	93-08-063
Meetings	MISC	93-01-047	Rules coordinator	MISC	93-05-011
<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>			<b>UNIVERSITY OF WASHINGTON</b>		
Grass field burning	PROP	93-07-088	Meetings	MISC	93-01-083
				MISC	93-02-007
				MISC	93-03-010
<b>STATE EMPLOYEES BENEFITS BOARD</b>				MISC	93-03-011
Meetings	MISC	93-07-064		MISC	93-03-012
				MISC	93-03-013
<b>SUPREME COURT</b>				MISC	93-03-036
Character and fitness committee				MISC	93-03-037
recommendations	PERM	93-07-027		MISC	93-03-038
Pleas				MISC	93-03-043
written statement (CrR 4.2(g))	PERM	93-07-026		MISC	93-03-044
				MISC	93-03-045
<b>TACOMA COMMUNITY COLLEGE</b>				MISC	93-03-050
Discrimination	PERM	93-03-078		MISC	93-03-051
Grievance procedure	PERM	93-03-078		MISC	93-03-054
Meetings	MISC	93-01-072		MISC	93-03-068
	MISC	93-05-050		MISC	93-03-069
	MISC	93-10-010		MISC	93-03-070
				MISC	93-03-071
<b>TAX APPEALS, BOARD OF</b>				MISC	93-03-072
Meetings	MISC	93-01-055			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	93-03-073	Fishing		
	MISC	93-04-011	free fishing weekend	PROP	93-06-017
	MISC	93-04-012		PERM	<b>93-10-054</b>
	MISC	93-04-013	game fish classification	PROP	93-06-019
	MISC	93-04-056		PROP	93-06-020
	MISC	93-04-057		PERM	<b>93-10-011</b>
	MISC	93-04-058		PERM	<b>93-10-012</b>
	MISC	93-04-067	game fish seasons and catch limits, 1992-94		
	MISC	93-04-068	Blue Lake	PERM	93-04-051
	MISC	93-05-034	Caliche Lake	PROP	93-03-015
	MISC	93-07-065	channel catfish	PERM	93-04-046
	MISC	93-09-006	Coldwater Lake	PROP	93-06-022
	MISC	93-09-009		PERM	<b>93-10-053</b>
	MISC	93-09-012	Dungeness River	PERM	93-04-053
Parking and traffic	PROP	93-08-110	Gissberg Ponds	PERM	93-04-046
Rules coordinator	MISC	93-04-042	Green River	PROP	93-06-057
				PERM	<b>93-10-056</b>
<b>USURY RATES</b>			Mayfield Lake	PERM	93-04-052
(See inside front cover)			Newman Lake	PERM	93-04-047
			Pipers Creek	PERM	93-04-050
			Spokane River	PERM	93-04-049
				PROP	93-06-021
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>				PERM	<b>93-10-055</b>
Log trucks, tie down requirements	PERM	93-05-038		PERM	93-04-048
Meetings	MISC	93-01-039	Yale Reservoir	EMER	93-03-039
Pole trailers, tie down requirements	PERM	93-05-038	steelhead	EMER	93-06-061
Rules coordinator	MISC	93-01-038		PROP	93-06-018
Telecommunications			Northern squawfish sport-reward fishery	PROP	93-06-019
accounting standards, adoption of				PERM	<b>93-10-012</b>
FCC standards	PROP	93-02-068		PERM	<b>93-10-013</b>
	PERM	93-07-089			
mandatory cost changes	PERM	93-09-050	Game		
quality of service	PROP	93-01-027	dead nonresident wildlife		
	PROP	93-01-152	importation and retention prohibited	PERM	93-04-040
	PERM	93-06-055	deleterious exotic wildlife		
reverse data searches of			designation	PERM	93-04-039
E-911 information	PROP	93-05-013	possession, transfer, or release		
Water companies			prohibited	PERM	93-04-039
customer revenue jurisdictional			protective measures for wildlife		
threshold	PROP	93-06-056	in captivity	PERM	93-04-039
public records, availability	PROP	93-06-056	endangered and threatened species		
			recovery plan	PROP	93-06-016
<b>VOLUNTEER FIREFIGHTERS, BOARD FOR</b>			possession, transfer, or release		
Meetings	MISC	93-08-035	of certain wildlife species	PERM	93-04-039
				PERM	93-04-038
<b>WALLA WALLA COMMUNITY COLLEGE</b>			retention of game	PERM	93-04-075
Meetings	MISC	93-01-059	Game management units		
			boundary description	PROP	93-06-074
<b>WASHINGTON STATE LIBRARY</b>			Hunting restrictions	PERM	93-04-074
Library commission			Hunting seasons		
meetings	MISC	93-01-053	closure areas, 1993-94	PROP	93-06-062
	MISC	93-05-027	deer and bear, 1993-94	PROP	93-06-064
	MISC	93-05-030	deer and elk, 1993-94	PROP	93-06-063
			elk, 1993-94	PROP	93-06-059
<b>WASHINGTON STATE PATROL</b>				PROP	93-06-063
Board			firearms restrictions, 1993-94	PROP	93-06-062
responsibilities and functions	PROP	<b>93-10-001</b>	migratory waterfowl, 1992-93	EMER	93-01-100
Log trucks, load fastening devices	PROP	93-05-028	small game, 1993-94	PROP	93-06-058
Pole trailers, load fastening devices	PROP	93-05-028	special species, 1993-94	PROP	93-06-060
Sirens, standards	PROP	93-05-029	Rules coordinator	MISC	93-05-001
Vehicle identification numbers	PROP	<b>93-10-002</b>	Wildlife		
<b>WASHINGTON STATE UNIVERSITY</b>			dead nonresident wildlife		
Rules coordinator	MISC	93-04-010	importation and retention		
			prohibited	PERM	93-04-040
<b>WESTERN WASHINGTON UNIVERSITY</b>			deleterious exotic wildlife		
Firearms and dangerous weapons	PERM	93-01-080	designation	PERM	93-04-039
Smoking on campus	PERM	93-01-080	possession, transfer, or release		
			prohibited	PERM	93-04-039
			protective measures for wildlife		
<b>WHATCOM COMMUNITY COLLEGE</b>			in captivity	PERM	93-04-039
Meetings	MISC	93-01-060	possession, transfer, or release of		
			certain wildlife species	PERM	93-04-038
<b>WILDLIFE, COMMISSION AND DEPARTMENT</b>				PERM	93-04-039
Dogs pursuing or attacking deer or elk,			Wildlife rescue coalition		
capture or destruction authorized	EMER	93-04-083	meetings	MISC	93-01-093
Firearm restriction areas	PROP	93-06-062			

**Subject/Agency Index**  
(Citation in **bold type** refer to material in this issue)

**WINE COMMISSION**  
(See **AGRICULTURE, DEPARTMENT OF**)

**WORKFORCE TRAINING AND EDUCATION  
COORDINATING BOARD**

Meetings	MISC	93-01-101
	PROP	93-02-045
	MISC	93-02-060
	MISC	93-04-066
	MISC	93-04-093
	PERM	93-06-005
	MISC	93-07-058
	<b>MISC</b>	<b>93-10-052</b>
	PROP	93-02-045
	PERM	93-06-005
Organization	PROP	93-02-045
	PERM	93-06-005
Practice and procedure	PROP	93-02-045
	PERM	93-06-005
Public records, availability	PROP	93-02-045
	PERM	93-06-005
Rules coordinator	PROP	93-02-045
	PERM	93-06-005
Vocational schools, private nondegree programs	PROP	93-02-044
	PERM	93-06-006

**YAKIMA VALLEY COMMUNITY COLLEGE**

Meetings	MISC	93-03-018
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